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HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND
FROM ENGLAND.

VOLUME I.

1788-1796

Published by:

THE LIBRARY COMMITTEE OF THE COMMONWEALTH PARLIAMENT.

—
1914.



SYDNEY :
WILLIAM APPLGATE GULLICK, GOVERNMENT PRINTER.

1914.



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PREFACE.

THE history of Australia has yet to be written. When the story is unfolded clothed with all the innate vitality and secret force of the life and times of the various epochs; when the actors are brought vividly before one, unvarnished with the sycophancy or the petty malice of the moment; when the events are thrown forcefully on the stage, depicting the life history of a continent's civilisation stripped of all trivialities and irrelevancies; then will a drama be unfolded to fascinate a whole world of readers, a drama of peaceful evolution from a small community of a little over one thousand souls, dominated by autocratic power, to a nation of the people, in embryo, forcefully combating all the mighty problems that have been created by the civilisation of the nineteenth century.

By the facts and examples of their lives, the actors in this drama will be found to elaborate and substantiate for the benefit of all, who wish to learn, the vital necessity of acquiring in due proportion the main factors, which lead to brilliancy and success in life. These are the possession of adequate intellect and education, the development of constructive and analytical powers, the maintenance of sufficient ballast and stamina in the unceasing battle whether in adversity or in success, together with the inherent power to seize and grasp opportunity when it arrives. To the combination of these factors in varying proportions, it is possible to trace the successes and failures of the men of the past. In a way also, the examples drawn from the lives of these men will be unique amongst the histories of the world. In Australia, there has never been the actual stimulus of the clash of armed forces, of the possibility of great, perhaps world-wide, renown, of the association and competition of kindred spirits, and of other external incentives to action, which are prevalent in the world's centres of population. Deeds of heroism, evolutionary changes,

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new procedures and mental processes have been initiated, and enacted in all walks of life from the subconscious element of the human brain with little external provocation.

In order to appreciate this with its fullest import, it is quite unnecessary to wander in the by-paths of history. A studied observance of the life and times of each epoch is all that is requisite to unfold the story and to revel in the true romance of life. An accurate knowledge of the history of one's own country can in no way be relegated to the province of the book-worm or the *litterateur*; a delving in the past is by no means a hobby or a pastime of little practical use. Properly undertaken, it should be the mainstay of secondary education, the backbone of those studies to which the youth of the country may trust for support and guidance in the daily routine and work of life.

How often the wish is expressed by men of fifty years of age to re-live the foregoing twenty years of their lives, retaining at the same time the experience they have gained during that period! This qualified desire is only the tacit admission that they have found the value of the teaching obtained in the great university of life, and that the preceptors of their youth had failed in equipping them with the armament of experience to be acquired from the triumphs and failures of their predecessors in similar walks of life. From an accurate knowledge and an intimate study of the causes and effects of any previous series of events, associated with an intuitive perception of the probable conduct in the case of the student himself in similar circumstances, a mental and moral training would be acquired at an earlier age than otherwise, which would enable one to combat the problems of life with a feeling of greater security and greater confidence.

The study of the life and times of the past in one's own country is certainly the royal road to the acquisition of such means of defence and offence in the battle of life. The study of similar *data* in other countries is of vast importance, but mainly as correcting or as adding to the first conclusions drawn from the story of one's own country; for in other lands, conditions alter, reactions differ, in accordance mainly with the temperament of the nation, the conditions of government and the climate of the country.

Although this study is surely a subject of vast import in the life of a nation, yet does the story of Australia present almost a virgin field for research. Civilisation in Australia is not too young to have lacked the time in which to have created a whole host of precedents for successes and failures in all branches of human activity. Even in the nation's youth, there has been opportunity for public discussions, political procedures and economic changes to be repeated in recurring cycles. Varying only in minor details, similar arguments, similar opposition, similar mistakes and similar results have been repeated again and again, until in some cases a series of papers with names and dates expunged might be read by a student, and it would be almost impossible for him to allocate them to the proper epoch to which they refer, so inevitable is the recurrence of the subject-matter in human energy. Not only in matters of great moment but also in those of minor importance are similar recurrences apparent in history; until it almost appears that the dominant motive in the master minds of each epoch has been identical. Pages might be written of the historical parallels in Australia (including both mistakes and successes) of such problems as advances to settlers, fixation of wages and of hours of labour, hospital accommodation, banking, women's suffrage, increased cost of living and others innumerable, these few being noted not as representative of the whole, but purely as chance selections from subjects inclusive of the whole range of human activity.

Books have been written and stories have been told, purporting to treat of epochs or of the whole of Australian history; but it is impossible to exalt one into the unique position of a truthful and unbiassed exposition of facts, nor has anyone more than attempted to touch on a critical analysis of the life and times. For more than one hundred years, the early story of Australia has been spoken of with bated breath, as though the details of it could not be tolerated in the limelight of public criticism. In the words of Captain Collins, published in 1798, "an odium was, from the first, illiberally thrown upon the settlement; and the word 'Botany Bay' became a term of reproach that was indiscriminately cast on every one who resided in New South Wales. But let the reproach light on those who have used it as such." A feeling somewhat akin to this has influenced authors for more than a century, and

facts, which in themselves form only a meagre portion of the life story, have been magnified until they are regarded as a huge skeleton in the nation's cupboard.

From the earliest printed chronicles, those of Tench, Phillip, White, Hunter and Collins (in order of historical priority), down to those of modern times, including those of intermediate date, such as the histories of Wentworth, Lang, Flanagan, and Bennett, not one can be accepted as a final authority. Each and every one exhibits errors, not only in points of judgment and criticism, but in points of fact; and these seem almost inconceivable when viewed in the light of modern research. Errors have occurred also in many official tables, as for example, the table of succession of the Governors in New South Wales, which is inaccurate in respect to some dates and some ranks of the administrators.

The corruptions which occur in the printed histories may be traced to various causes.

Pre-eminent amongst these in the histories of intermediate and more recent date is the acceptance of a statement by a single early author without comparison of the statements of his contemporaries on the same subject. In this way a superstructure of history has been built on an insecure foundation and the reliability of the subsequent conclusions naturally falls short of what is necessary.

Of the first five chronicles, two, the *Voyage of Governor Phillip* and the *Historical Journal of Hunter*, were semi-official in character, and the compiler had access to the despatches and journals which had been transmitted from the settlement; but unfortunately both of these are unreliable in many respects, and especially the first edition of Phillip's *Voyage*. The first account published was Tench's *Narrative*, which appeared in April, 1789, and was followed by Phillip's *Voyage* (first edition) on 1st May following. The material for both these volumes had been received *per* the store-ship *Borrowdale* in the previous March, so the publications were of necessity hurried. White's *Journal*, Hunter's *Journal*, and Collins' *Account* first appeared in the years 1790, 1793, and 1798 respectively. These five volumes, and the subsequent editions of them, collectively give a good general account of the transactions during the early years of the settlement; but when

the student desires finality on minor points many difficulties are encountered, and when he searches for the underlying motive of many official acts he finds a barren field.

With regard to the minor points confusion occurs from many causes. Statements of fact are made which are clearly impossible,* returns of convicts or of settlers† are made some of which are manifestly incorrect, nautical and legal times are quoted in the same volume without commentary,‡ and proper names are misprinted or misquoted indiscriminately.§

In the search for the motives underlying the official life, the student finds little or no information. Surgeon White gives no medical data, Captain-Lieutenant Tench, in his *Complete Account*, omits to give the story of the troubles with the marines and of his arrest by orders of Major Ross, and Captain Collins passes by virtually unnoticed the quarrels in which Major Ross was involved, the abolition of the civil power by Major Grose, the gradual intrusion of the military into the general life of the settlement, and the legal difficulties with which he himself had to contend. No record is given of these and many other problems; and it almost appears that the facts, of which each individual author was most cognizant, were deliberately suppressed either from official or personal reticence. In consequence if an historian had to draw his material from these works alone, the clue required for the solution of such problems as the liquor traffic or the Bligh insurrection, would remain unknown.

Subsequent authors have built on these volumes, and have added mistakes of their own. A few of these may be noted. Lang and Wentworth have presented a partisan view of most problems, and in addition Lang makes such errors as neglecting

* White's *Journal*, p. 122, under date 29th January, 1788: "In the course of the last week . . . all the convicts . . . were landed." Hunter's *Journal*, p. 293, the account of the assembling of two criminal courts, and the issue of a precept by the Judge-Advocate, are recorded in the statements of Lieutenant King, who, being in Norfolk Island at the time, was unaware of the facts at that date.

† See commentary, note 3; Norfolk Island settlers, White's *Journal*, p. 127; Phillip's *Voyage*, p. 70.

‡ See Phillip's *Voyage*, pages 51-53, 58.

§ See Tench's *Narrative*, p. 145; White's *Journal*, pages 129, 172, 184, 299; Phillip's *Voyage*, p. viii; Collins' *Account*, p. 10.

to distinguish between currency and sterling in quoting sums of money. Flanagan in his history records speeches of Captain Cook and Phillip which are clearly fictitious. Heaton's *Dictionary of Dates* is compiled from insufficient material, and in many cases reliance is placed on irresponsible newspaper references.

These examples are quoted merely to illustrate the dangers and pitfalls which await the unwary student. In consequence of these faults the exact student of Australian history has no work of reference on which he can place implicit reliance.

History in its truest form can be founded only on a careful and studied examination of the actual records themselves. Fortunately for the history of the continent of Australia, the major portion of the official records are still extant, and the actual state papers giving the documentary life and actions of each and every epoch may be examined and digested. With proper and careful grouping, these papers have not yet become too voluminous to make the task prohibitive to the modern man, involved in a busy and strenuous career, of making a careful study of such as relate to any subject in which he is immediately interested. One reservation, however, must be thoroughly appreciated by the student in his examination, namely, that the official papers are only the outward and visible expression of the inward and secret feeling of the public men of the times, the things which were really vital and essential being sometimes almost lost in matters irrelevant thereto, the passing necessities of the moment.

The Library Committee of the Commonwealth Parliament has undertaken the collection and the publication of copies of all the Australian official papers, which can be obtained. It has been decided to commence the issue of the records with the papers, dated in 1788, the year of the foundation of the settlement at Port Jackson; and therefore many of the papers, which have been already published by the Government of New South Wales, will be republished. This course has been rendered necessary owing to many grave errors which have been found to occur in the seven volumes of the *Historical Records of New South Wales* already issued.

These errors may be traced to certain definite causes. One of these was the method adopted for the collection and compilation of

the papers. The major proportion of the documents were printed from copies made in England; and those volumes which have been issued are the product of the selection of one man and of the editing of a second, but before the editor received them they had passed the ordeal of the censorship, and consequent deletion of portions, by a third. No matter how diligent, brilliant or careful, any one of the trio might be, the collective labour of three brains working under such conditions, and one, the censor's, most certainly not working with the same large objective in view, must sooner or later fall far short of the accuracy, completeness and precision, which are required in history. This has occurred and serious omissions of important papers have been made.

The omissions were due to four causes:—

- (1) The action of the censor, which was unavoidable;
- (2) The neglect to make a proper search prior to publication for the documents that were extant. It is stated in a preface re-printed in each of the seven volumes that all the original papers, which could be found in New South Wales of a date prior to the year 1800, consisted of ten papers and one volume, whereas reasonable inquiry would have disclosed the existence of many hundreds;
- (3) Editorial omissions, that is to say, the omission of known papers as unimportant. It is only by the careful examination and assimilation of all statements, however divergent in substance, with reference to any one period that the fundamental basis of truth may be conceived in its true proportions. No matter how omniscient an editor may be, it is impossible to foretell the consequences of and to give the correct value to any human act, and some minor act of human energy may often be the prelude to a series of consequences little dreamt of at the time of the initial action. Such omissions have led also to the distortion of the perspective of a period, when the population was small and scattered, in cases where a romantic character has been glorified by the inclusion of all references to him, and in the same period the papers with reference to another, whose life story did not possess the same fascination, have been excluded;

- (4) The fourth cause of omission is one which must occur in most collections of records. This is unavoidable in nature, for documents, of which the existence has been unknown, or of which the destruction has been considered certain, will from time to time be found hidden in the most unlikely places. Fortunately, however, for Australian history, this factor of error can with care be reduced to almost vanishing point.

The papers, omitted from volumes IB to VII and belonging to the period 1788-1811, would alone fill about six large volumes.*

Apart from the faults due to omissions, there are numerous errors due to distortions and mutilations.

Distortion has been caused by the change of the original text to suit the convenience of the compositor or to make the text more in accordance with the modern usages of grammar, by the making or the saving of a paragraph. In the early despatches, this was a matter of no importance, but after the administration of Governor Hunter, it became customary to refer to a particular paragraph by number. The result is that the student, all unaware of the procedure that has been adopted, is unable to follow the references in such cases where paragraphs have been made or saved, for a despatch, which in the original contained, for example, sixteen paragraphs, might in the published text contain twelve or nineteen if it was an extreme case.†

Mutilation has occurred both in the despatches and enclosures. In the despatches, there has been minor mutilation‡ in the publication of a small portion of a despatch, or major mutilation in the conversion of a single despatch into two separate despatches of

*In this volume, the first of the *Historical Records of Australia*, the omissions incorporated fill one page in every six and a quarter on the average; and the Governors' despatches, dated from 1788 to 1796, are the most complete of all sections previously published.

† Examples of this distortion may be noted from *Historical Records of New South Wales*, volume IV: Four paragraphs made into one, page 424; three into one, pages 244 and 617; two into one, pages 226, 315, 316, 425 and 828; or the converse, three paragraphs made out of one, pages 133 and 716; two out of one, pages 422, 726, 826 and 827.

‡ See the first despatch, dated July 14th, 1790, *Historical Records of New South Wales*, volume IB.

different dates.* The dates† and the names of the authors and recipients‡ of the despatches have been corrupted also.

In the case of the enclosures mutilation§ has occurred in various ways, which are best explained by the examination of a few examples given in the footnote.

In consequence of these various faults, papers, which were destined to be the final authority of the historical student, lay themselves open in their very appearance and form to grave doubts and stringent criticism which are banal factors in all accurate research.

The Library Committee has decided further to issue the records in seven distinct groups or series, maintaining a strict chronological order in each series or its sub-section. By the adoption of this method, the papers, which were originated in any sphere of activity or which refer to the growth of settlement in any one of the States which now form the Commonwealth of Australia, will fall naturally together. This grouping will make the papers more readily available to the student. The different series are:—

Series I.—The despatches of the Governors to and from England.

Series II.—Papers belonging to the general administration in sub-sections.

* The despatch (*sic*) with its enclosures, which appears on pages 234-238, volume IV, is actually the postscript to the despatch on pages 177-186, and the four numbered enclosures collectively form enclosure, number 12, of the same despatch.

† 30th *vice* 31st June, page 49, volume II; 5th *vice* 30th April, page 302, volume II; 2nd *vice* 22nd April, page 315, volume IV.

‡ Under Secretary Nepean *vice* the Right Hon. W. W. Grenville, page 346, volume IB; the misnaming of Captain Paterson, pages 285, 292, 299, 306, 311, 312, volume II; under secretary *vice* secretary Nepean, page 90, volume III; Governor Hunter and Lieutenant-Governor King *vice* the Governor of New South Wales, pages 57 and 148, volume IV.

§ The memorandum, on pages 19-22, volume III, placed amongst the 1796 papers, was actually written in 1798, and was forwarded as an enclosure to the despatch of Governor Hunter, dated 25th July, 1798; eleven numbered enclosures made out of five, pages 139-148, volume IV; the return of lands granted, pages 540-541, volume IB; enclosures, noted not available on pages 237 and 306, volume II, and printed on pages 218 and 299 in the same volume.

Series III.—Papers which refer to settlements in the different States.

Series IV.—Legal papers.

Series V.—Exploration papers.

Series VI.—Scientific papers.

Series VII.—Ecclesiastical, naval, and military papers.

The first series containing the despatches of the Governors will form the papers from which the backbone of history will be made. Until the introduction of responsible governments, the Governors being in charge of Crown colonies transmitted full and detailed reports on all matters of major or minor importance to the authorities in England. The early Governors all forwarded general despatches giving detailed reports on many subjects, but about the end of the first quarter of the nineteenth century the practice was adopted of confining each despatch to a separate subject. Duplicates and triplicates of all public despatches were forwarded, and these were made in long-hand either by the Governor himself, by his secretary, or by a convict clerk. In the writing of these, many minor variations occurred in the text and even in the dates, and where these are of importance attention will be drawn to them. Many of the despatches were accompanied by enclosures. Prior to the administration of Governor King, a register of these enclosures was not kept; and when they were received, some of the enclosures were not filed with the despatches, and it is now impossible to tell in some cases which were the enclosures, for instance, Lord Grenville's despatch, dated 19th February, 1791, was accompanied by twenty-two enclosures, of which only seven can be defined.

I have to acknowledge my great indebtedness to Professor G. Arnold Wood for reading my proofs and for many valuable suggestions made thereon, which have been incorporated.

A series of notes is added at the conclusion of the text in each volume.

May, 1914.

FREDK. WATSON.

INTRODUCTION.

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GOVERNOR PHILLIP.

THE foundation of the settlement on the eastern coast of Australia was entrusted to Captain Arthur Phillip, and his methods and the results of his work indicate that a more fortunate selection could not have been made. By his infinite tact, by his extraordinary foresight, and by his devotion to high ideals, he succeeded in establishing the infant colony on a secure foundation during the five years of his government. He was selected to take charge of the proposed settlement at Botany Bay by Lord Sydney, Secretary of State for the Home Department. This selection did not escape criticism, for Lord Howe, the First Lord of the Admiralty, stated in a letter to Lord Sydney, dated 3rd September, 1786, "I cannot say the little knowledge I have of Captain Philips would have led me to select him for a service of this complicated nature," and practically dissociated himself from all responsibility in the appointment. The reasons, which influenced Lord Sydney in his choice, are not evident. He appears to have possessed the rare faculty of perceiving intuitively the latent powers in the men with whom he came in contact, and to have recognised in Captain Arthur Phillip a man of action, and a born administrator, possessing the iron will and determination to carry all his decisions to their logical conclusion.

Arthur Phillip was born in London on the 11th of October, 1738, and was forty-eight years of age at the date of his appointment. His father, Jacob Phillip, was a native of Frankfort in Germany, who had settled in England and had married the widow of a Captain Herbert. Phillip's school days were passed at Greenwich; and at the age of sixteen, he entered the navy, serving first under Captain Michael Everet. He was present at the capture of Havannah, and on the 7th of June, 1761, was appointed a lieutenant in the *Stirling Castle* by Sir George Pococke. At the conclusion of the Seven Years War, when he was retired on half pay, he settled at Lyndhurst in the New Forest, occupying

himself in farming and in the usual duties of a country gentleman. But such pursuits were ill favoured by the man of action; and when hostilities commenced between Spain and Portugal, Phillip sought and obtained permission to offer his services to the latter country. His offer was at once accepted, and he fought for Portugal until the outbreak of war between England and France in 1778 called for his return to the service of his own King. His promotion then became rapid; on the 2nd of September, 1779, he was made master and commander of the fire-ship, *Basilisk*; on the 13th of November, 1781, he became post-captain in the frigate *Ariadne*, and on the 23rd of December following he was appointed to the *Europe* of sixty-four guns. In January, 1783, he was despatched with a reinforcement to the East Indies, and had returned a short time before the preparations for the proposed settlement at Botany Bay were commenced.

Prior to his appointment, Captain Phillip had proved himself to be an active and zealous officer, possessed of "habitual prudence" and a sound knowledge of men and their management. His experience on the quarter-deck had not converted him into an autocrat as similar experiences had so often in that era converted men possessing intellects of a lower plane. When endowed with the almost absolute powers which he held in the settlement, his actions, even when under gross provocation, were always tempered with tact and forbearance towards his subordinates.

The magnitude of the undertaking entrusted to Captain Phillip was stupendous. He was charged with the transportation of over one thousand persons to a land that was little known, and with their settlement on a coast separated from the nearest civilisation by a voyage of nearly three months through almost uncharted seas. If anything was overlooked in the preliminary arrangements, he knew that at least six or seven months must elapse before the neglect could be remedied by a visit to a foreign port, or eighteen months if communication was made with England; and even these periods were entirely dependent on the *proviso* that no accident should arise from the dangers of virtually unknown navigation. One cannot sufficiently admire the industrious and exact forethought which, combined with importunity insistent though polite, enabled Phillip in spite of official negligence and stupidity to achieve the foundation of the colony.

The first commission for the appointment of Governor Phillip was dated the 12th of October, 1786. From that date until early in May, 1787, he was actively employed in arranging the manifold details in connection with the projected colony. At the various conferences held at the Home Department, the broad general plan was conveyed to Phillip; but the consideration of many of the details appears to have originated entirely from himself. By his foresight in noting and requiring instructions on the various problems which might arise in his administration, proof is clearly given that Phillip, the naval post-captain, was a man in a thousand of his contemporaries. Every point was minutely considered and a solution suggested. The statement, in a memorandum sent by Phillip to the Home Department that "I would not wish convicts to lay the foundations of an Empire," is indicative of his appreciation of the future possibilities of the settlement. In this memorandum, he showed that he possessed advanced ideas; for he considered that the criminal code of the day was too drastic in the infliction of the death penalty, and that this punishment should be reserved for two crimes—murder and sodomy. His idea that the death sentence should be fulfilled by delivering the criminal to the mercies of cannibals does not possess the same inhuman bearing which would be felt at the present time, for it must be remembered that a captain of the period was accustomed to the floggings common in the navy and that the cruelties practised in the hulks and the debtors' prisons of the day were well known. One more striking sentence from the same memorandum must be quoted to exemplify Phillip's large and humanitarian ideas—"there can be no slavery in a free land, and consequently no slaves."

Apart from the consideration of such problems as live-stock, agriculture, horticulture, the encouragement of marriage, the treatment of the natives, and port orders, Phillip's faculty for detail may be illustrated by his request for razors and for tin lamps as presents to the natives for "when they use a light they hold it in their hands."

When the preparations for the settlement were concluded, Phillip set sail in H.M.S. *Sirius* on the 13th of May, 1787, as Commodore of the eleven vessels constituting the first fleet. During the eight months which were occupied in the voyage,

Phillip spent many hours in planning and arranging for his future administration. Anxious discussions were held with his lieutenant-governor, Major Ross, and the judge-advocate, Captain Collins. Notwithstanding all his foresight, shortly after sailing Phillip had found that such important items as the convict indent papers, women's clothing, and some of the ordnance stores, had been left behind in England.

After leaving the Cape of Good Hope, Governor Phillip transhipped to the armed tender *Supply*, on the 25th of November, 1787, with the intention of arriving at Botany Bay at an early date by outsailing the rest of the fleet and of making preparations for the reception of his charges. This design was frustrated, for the *Supply* anchored a few hours only before the remainder of the squadron.

The first act of moment performed by Governor Phillip was his choice of the site for the principal settlement. He spent two days in the examination of Botany Bay and quickly recognised the disadvantages of its foreshores; three days were then occupied in the exploration of Port Jackson. The promptitude with which he selected the site at Sydney Cove is illustrative of his faculty for rapid decision. The selection was determined by the fact that the cove possessed "the best spring of water," but Phillip realised also that ships could "anchor so close to the shore that at a very small expense quays may be made at which the largest ships may unload." Even with the more exact knowledge of later days, a more suitable site could not have been chosen in the two harbours of Botany Bay and Port Jackson.

With the landing of the convicts at Sydney Cove, Phillip's difficulties at once commenced. Soon after his arrival, Governor Phillip found that he could not rely on the assistance of Lieutenant-Governor Ross or the military, and that he had to contend with Ross's covert antagonism. The first evidence of this was given when the officers stubbornly refused to "interfere with the convicts" by encouraging or reprimanding those at work, and Phillip found that "the little plan I had formed in the passage for the government of these people" was destined to be thwarted. Phillip was unprovided with the assistance of any superintendents of convicts—the marines were regarded as guards—and so when

the officers refused to assist, Phillip was compelled to employ the well-behaved convicts as superintendents. Discontent was soon shown by the officers because they were compelled to sit as members of the criminal court. In this action, they were openly supported and possibly instigated by Major Ross. Major Ross also embarrassed the administration by placing five out of the eighteen officers of marines under arrest at one time. He further in the most petty and almost mutinous manner objected to the appointment of the night watch, made most malignant charges against Phillip personally, and at a later date objected to interference with his control of convicts, a duty which he had previously declined to accept. The whole career of Major Ross at Port Jackson appears to have been a premeditated attempt to subvert the authority of Governor Phillip and to overthrow the civil government. On the 7th of March, 1790, Governor Phillip sent Major Ross to take the command of Norfolk Island, and it is probable that by this appointment an open breach between the civil and military powers was averted. Throughout these first two years, Phillip displayed the most remarkable tact and discretion in his treatment of the military; and when Ross time after time attempted to checkmate Phillip's decisions, he forcefully but quietly maintained his authority and dignity. Phillip's magnanimity and his diffidence in reporting unfavourably on the conduct of a subordinate is well shown by the postscript (*see* page 151) of a letter to Under Secretary Nepean, when he stated: "After reading this letter which I have written with haste and with a desire of explaining how little reason there has been for complaint I think it appears so like a letter to justify my own conduct that I wish you to lay only the enclosed letters before Ld. Sydney."

The labours of Governor Phillip may be divided into two sections—the foundation of the settlement and the establishment of the government. After the selection of the site, he was confronted with the problem of converting the primitive bush into suitable headquarters for the colony. Within six months he had formulated a plan for the intended town. This plan was undoubtedly the work of a master mind; it was intended that advantage should be taken of the prevailing winds in laying out the direction of the principal streets, that building clauses should be enforced in the erection of all houses, that the streets should

be two hundred feet wide, and that the fee simple of all the land contained within the boundaries of the town should remain for ever the property of the Crown. Some of these provisions, proposed without any previous precedent for guidance and conceived one hundred and twenty-six years ago, would be considered advanced and superior conceptions in a publicist of the present day. Unfortunately for the present city of Sydney the exigencies of the day, the struggle for existence and the scarcity of labour, compelled Phillip to shelve these proposals, and they were never fulfilled. In many of his other provisions for settlement, Phillip appears to have been a dreamer not only of ideals but of practical methods and a master hand in the initiation and development of new procedures. He advocated the granting of lands to the churches in lieu of all tithes on the produce of land; he modified the instructions, which he had received, to reserve an equal area of land for the Crown between each grant, because he foresaw the dangers of isolation and consequent depredations by natives and marauders and because each grantee would have been compelled to erect an entire boundary fence instead of sharing a party fence with his neighbour; with the advice probably of Captain Collins he drew up the form of land grant which was maintained with slight modifications so long as the first system of grants was in vogue; and he initiated the system of land leases by the Crown.

In the establishment of the government, Governor Phillip maintained an absolute control; no subject or no detail was too small to pass unnoticed under his watchful eye. All daily orders were issued by him with the exception of the purely battalion orders of Major Ross. The criminal court, the civil court and the bench of magistrates were summoned by him, and the proceedings of the first and the last were carefully considered and revised with regard to the punishments ordered; in the exercise of this jurisdiction Phillip's actions always were tempered with mercy. He fixed the rations; he granted permission for marriage; he authorised the assistance to settlers; he made the necessary appointments to the different gangs for public labour; by periodical visits to Rose Hill, he was personally cognisant of all details in agricultural progress. In fact every department of human activity was constantly under his observation and direction, and by his humanity and unselfishness he was the father as well as the founder of the settlement.

Phillip's labours in initiation and organisation were carried on in the face of enormous difficulties, and when he was in very poor health. His ill-health commenced in 1788 and continued throughout his government, and although he himself never complained, on many occasions it was only his iron will that kept him at the helm; at the social gatherings, on his exploring expeditions, and when on visits of inspection, he was frequently a silent sufferer of intense pain.

The difficulties confronted and overcome were of no mean order, and would certainly have daunted all but a man of determination and force. Notwithstanding all the care and attention bestowed on the preparations, it was found on arrival that many of the stores were short in quantity, poor in quality, or absent altogether. There were no immediate means of remedy, and before the second fleet arrived, the condition of the settlement must have been heart-rending to Phillip. Starvation was staring the community in the face, rations were reduced to the merest pittance necessary to sustain life, the hours of labour were shortened on account of the weakness of the labourers through want of food, the convicts were bootless and almost naked, the clothes of the marines were in tatters, fish were scarce, and the hospital was full. Day by day as he sat in his office or walked around the infant town he was constantly harrowed by pitiful complaints and appeals from all classes, convict and official; but throughout he remained cheerful hopeful and resourceful. When relief had been given to his anxieties with reference to the means of sustaining existence, he was still confronted with the want of many of the ordinary necessities of life. Being a man of few words, the actual conditions are only occasionally mentioned, but they were forcefully expressed by the brevity of his sentences; thus he states: "Two or three hundred iron frying-pans will be a saving of spades," and "I beg leave to observe that bad tools are of no kind of use" (*see* page 308). How aptly does the first quotation express the straits to which the early colonists were put for the want of ordinary cooking utensils, and the second, the knowledge that he was at the mercy of the contractors, and his unwillingness officially to accuse them of neglect.

Throughout his administration Phillip exercised his powers with uniform fairness, and thus on many occasions his actions were

markedly the converse to those of his successors. He showed favour to no man and would not even avail himself of his private resources in the time of famine, but shared alike with the meanest of his subjects. By this action he indicated that although an autocrat by appointment he was a democrat in feeling and action. Even when stores were on private sale in 1792, Phillip did not indulge himself in the luxuries available as did many of his officers, and contented himself with the purchase of a few kegs of tripe and butter and of a few hams. Phillip's contemporaries frequently reported most unfavourably of the settlement and of the ill doings of the convicts; he on the contrary never had his faith shaken in the future prospects of the colony, which he regarded with something akin to the feeling of a father for a child, and even for the convicts he had a good word as is shown by the statement in 1792 (*see* page 373), "I can recollect very few crimes during the last three years but what have been committed to procure the necessaries of life."

Phillip possessed keen powers of observation. His notes on the aborigines, their life and their customs, are precise; his exploration of the country and the criticism of the land passed through are indicative of good judgment. In many of his despatches, he showed the possession of keen critical powers and a habit of probing a problem to the depths, and the expression of his opinion in brief and terse form made his conclusions clear and forceful.

Governor Phillip retained the entire confidence of the English authorities throughout his administration and was the only one of the early Governors, whose actions were not called in question. In April, 1790, he applied for leave of absence on account of his private affairs in England, but Lord Grenville in his reply requested him to postpone it for "your services in New South Wales are so extremely important to the public." In March, 1791, Phillip repeated the request on account of his ill-health, at the same time stating that he wished to return to the colony when he had recovered his strength. Subsequently repeated applications were made, but the English authorities were loth to lose his services; and it was considerations of health alone which compelled him to relinquish the charge of the colony in which he was so greatly interested.

Governor Phillip occupies an unique position in history. No man before had been charged with the jurisdiction over half a continent and at the same time been granted so little assistance. Separated from his official superiors by a voyage of many months, he was endowed with almost absolute power with no council to assist in sharing the burden of administration. When the marines were antagonistic, when the convicts were calling for food, when his colony seemed to be on the verge of disaster, he possessed no confidant to talk with, and was truly in a position of lonely and magnificent isolation.

During his government in New South Wales, Governor Phillip proved himself to be a born administrator, a brilliant organiser, a man of infinite tact and patience with a keen knowledge of his fellow-men, a man ever ready to appreciate the finer characteristics of his subordinates and loth to speak ill of anyone, a staunch friend and magnanimous foe, a perfect leader with an iron will to enforce his rule, and at the same time possessed of the true unselfishness to share all the discomforts of his inferiors. When Phillip's character and life are fully studied, he will be recognised as the father of Australia and the best of the early Governors of New South Wales.

LIEUTENANT-GOVERNOR GROSE.

AFTER the departure of Captain Phillip, the government devolved on Major Francis Grose, who held it for a term of two years. During his administration, the progress of the colony was at a standstill and in fact many retrograde steps were taken.

Major Grose was the officer commanding the New South Wales Corps, and had spent his life in the service of the army. He was saturated with the militarism of the times, and was filled with a contempt for the civil power when compared with the military. Just as Phillip was determined, Grose was undecided and wavering; in a despatch (*see* page 447) he stated, "I cannot but be alarmed at all I purchase and everything I do, being unaccustomed to business and fearful of acting so much from my own discretion."

Radical changes in the administration were made within four weeks of Phillip's departure without any apparent or reasonable motive. Their initiation was so prompt and they were such direct reversals of previous practice that it seems probable they had

been privately discussed amongst the military officers and that the new procedures had been determined before Grose assumed the government. By these changes, Grose established a government by the military and for the military.

Six days after Phillip's departure, Grose amended the rations ordered by Phillip a fortnight previously; and whereas Phillip had established the principle that everyone in the settlement should share alike, Grose decided to differentiate in favour of the military and ordered them to be served with an extra allowance in the rations. Grose took the oaths of his office on the 31st of December, 1792; on the same day he substituted the military for the civil power at Parramatta; subsequently he abolished the sittings of the civil magistrates at Sydney and the civil power generally, and established in its place a military government entirely. It is improbable that Grose was the prime mover in these changes which placed the government in the hands of a close corporation of the officers. He was probably a tool in the hands of some designing officers, for in no way did he gain any advantage from the change. For the alterations there was no logical reason, as the system which Phillip had established was in no ways faulty, and that introduced in its place was not an improvement.

During Grose's administration, commercialism and the desire to obtain landed estates became important motives with the officers of the New South Wales Corps. The Lieutenant-Governor made no attempt to control this spirit, but in many ways openly encouraged it, and he practically subordinated all the machinery of his government to the interests of his officers. He thereby nurtured the seeds of that military avarice which checked the wheels of progress in the colony for nearly nineteen years.

He encouraged the cultivation of grain by the officers, and frequently wrote glowing reports to England on the progress of farming; but at the same time he suspended all public agriculture, and thus created a ready market for the harvest of the officers, for the Crown was compelled to purchase their surplus grain. He granted to the officers the service of a practically unlimited number of convicts (clothed and fed by the Crown) to assist them on their farms; and when he received instructions from England to discontinue this practice, he quietly shelved them by asking for further orders, which he knew could not be transmitted for more than a year.

Grose's neglect to obey the instructions relative to the incorporation of a residential clause in the land grants (*see* page 441) is difficult of explanation, unless the motive was to permit the more rapid acquisition of large landed estates by making possible the purchase of small areas from numerous grantees, and their consolidation into a large estate.

Grose's action with regard to the retail liquor traffic was that of a weak man. He issued orders that no spirits were to be sold to convicts, but when it became common report that they were obtaining ample supplies he made no further efforts to restrict the trade. Spirits were imported to the colony by the various ships, and on their arrival were offered to the officers, who availed themselves of the opportunity of creating a monopoly by the purchase of the entire shipments. The spirits were then retailed at an enormous profit, and many officers rapidly accumulated large sums of money.

His antagonism to religion was pronounced. He reported most unfavourably on the Reverend Richard Johnson and belittled his actions in building a church. His statement with regard to the erection of a church (*see* page 479) can be only a deliberate misrepresentation of the facts. He permitted labour on the Sabbath, and did not enforce the attendance of the colonists at church.

Throughout his administration, Grose proved weak and vacillating, with a total lack of foresight and of intuitive perception as to whither his footsteps were leading him. He was no administrator and no organiser. Although possessing the same absolute powers as Phillip, he neglected to hold in his own hands the reins of government, and delegated many of his duties to subordinates. He wrote reports to England which were entirely misleading, whether from wilful or careless negligence. He was dilatory or distinctly insubordinate in fulfilling instructions from England. The few decisive orders which he issued appear to have emanated from the doggedness of vacillation rather than from the determination of strength. His administration was feeble, and yet he undertook the responsibility of introducing radical changes into Phillip's well-ordered system.

A note on Captain Paterson will be found in volume IV, and on Governor Hunter in volume II.

DESPATCHES.

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNOR PHILLIP'S FIRST COMMISSION.

George R.

George the Third, &c., to our trusty and well-beloved Captain Arthur Phillip, greeting:—

WE, reposing especial trust and confidence in your loyalty, courage, and experience in military affairs, do, by these presents, constitute and appoint you to be Governor of our territory called New South Wales, extending from the northern cape or extremity of the coast called Cape York, in the latitude of $10^{\circ} 37'$ south, to the southern extremity of the said territory of New South Wales or South Cape, in the latitude of $43^{\circ} 39'$ south, and of all the country inland to the westward as far as the one hundred and thirty-fifth degree of longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean, within the latitude aforesaid of $10^{\circ} 37'$ south and $43^{\circ} 39'$ south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works, which now are or may be hereafter erected upon this said territory.* You are therefore carefully and diligently to discharge the duty of Governor in and over our said territory by doing and performing all and all manner of things thereunto belonging, and we do hereby strictly charge and command all our officers and soldiers who shall be employed within our said territory, and all others whom it may concern, to obey you as our Governor thereof; and you are to observe and follow such orders and directions from time to time as you shall receive from us, or any other your superior officer according to the rules and discipline of war, and likewise such orders and directions as we shall send you under

Territorial jurisdiction.

General instructions.

our signet or sign manual, or by our High Treasurer or Commissioners of our Treasury for the time being, or one of our Principal Secretaries of State, in pursuance of the trust we hereby repose in you.

Given at our Court at St. James's, the twelfth day of October, 1786, in the twenty-sixth year of our reign.

By his Majesty's command,

SYDNEY.

GOVERNOR PHILLIP'S SECOND COMMISSION.*

Arthur Phillip Esqre

Governor of New South Wales.

George the Third by the Grace of God King of Great Britain France and Ireland Defender of the Faith &c. to our right trusty and well-beloved Councillor Edward Lord Thurlow Baron Thurlow our Chancellor of Great Britain greeting:—

WEE will and command that under our Great Seal of Great Britain (remaining in your custody) you cause these our letters to be made forth patent in form following: George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c.

To our trusty and well-beloved ARTHUR PHILLIP Esquire.

Wee reposing especial trust and confidence in the prudence courage and loyalty of you the said Arthur Phillip of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Phillip to be our Captain-General and Governor-in-Chief in and over our territory called New South Wales extending from the Northern Cape or extremity of the coast called Cape York in the latitude of ten degrees thirty-seven minutes south to the southern extremity of the said territory of New South Wales or South Cape in the latitude of forty-three degrees thirty-nine minutes south and of all the country inland westward as far as the one hundred and thirty-fifth degree of east longitude reckoning from the meridian of Greenwich including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees and thirty-nine minutes south and of all towns garrisons castles forts and all other fortifications or other military works which may be hereafter erected upon the said territory or any of the said islands.

And Wee do hereby require and command you to do and execute all things in due manner that shall belong to your said

* Note 2.



command and trust Wee have reposed in you according to the several powers and directions granted or appointed you by this present Commission and the instructions and authorities herewith given to you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council.

And our will and pleasure is that you the said Arthur Phillip after the publication of these our letters patent do in the first place take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First intituled "An Act for the further security of his Majesty's person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors" as altered and explained by an Act passed in the sixth year of our reign intituled "An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled "An Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or misprision of Treason."

Oaths of office
to be taken.

As also that you make use and subscribe the declaration mentioned in Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second intituled "An Act for preventing dangers which may arise from Popish Recusants."

And likewise that you take the usual oath for the due execution of the office and trust of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies for the due and impartial administration of justice.

And further that you take the oath required to be taken by Governors in the plantations to do their utmost that the several laws relating to trade and the plantations be duly observed. Which said oaths and declaration our Judge-Advocate in our said territory is hereby required to tender and administer unto you and in your absence to our Lieutenant-Governor if there be any upon the place.

All which being duly performed you shall administer unto our Lieutenant-Governor if their be any upon the place and to our Judge-Advocate the oaths mentioned in the first-recited Act of Parliament altered as above as also cause them to make and subscribe the afore-mentioned declaration.

Custodian of
Public Seal.

And Wee do hereby authorize and empower you to keep and use the public seal which will be herewith delivered to you or shall be hereafter sent to you for sealing all things whatsoever that shall pass the Great Seal of our said territory and its dependencies.

Power to
administer
Oaths of
Allegiance.

Wee do further give and grant unto you the said Arthur Phillip full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the oaths mentioned in the said first-recited Act of Parliament altered as above to all and every such person or persons as you shall think fit who shall at any time or times pass into our said territory or its dependencies or shall be resident or abiding therein.

To appoint
justices and
officers of the
law.

And Wee do hereby authorize and empower you to constitute and appoint justices of the peace coronors constables and other necessary officers and ministers in our said territory and its dependencies for the better administration of justice and putting the law in execution and to administer or cause to be administered unto them such oath or oaths as are usually given for the execution and performance of offices and places.

To pardon and
reprieve.

And Wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fine or fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures treason and wilful murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders untill and to the intent our royal pleasure may be known therein.

And whereas it belongeth to us in right of our Royal Prerogative to have the custody of ideots and their estates and to take the profits thereof to our own use finding them necessaries and also to provide for the custody of lunaticks and their estates without taking the profits thereof to our own use.

To pass grants
for custody of
lunatics and
their estates.

And whereas while such ideots and lunaticks and their estates remain under our immediate care great trouble and charges may arise to such as shall have occasion to resort unto us for directions respecting such ideots and lunaticks and their estates Wee have thought fit to entrust you with the care and commitment of the custody of the said ideots and lunaticks and their estates and Wee do by these presents give and grant unto you full power and authority without expecting any further special warrant from us from time to time to give order and warrant

for the preparing of grants of the custodies of such ideots and lunaticks and their estates as are or shall be found by inquisitions thereof to be taken by the Judges of our Court of Civil Jurisdiction and thereupon to make and pass grants and committments under our Great Seal of our said territory of the custodies of all and every such ideots and lunaticks and their estates to such person or persons suitors in that behalf as according to the rules of law and the use and practice in those and the like cases you shall judge meet for that trust the said grants and committments to be made in such manner and form or as nearly as may be as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain and to contain such apt and convenient covenants provisions and agreements on the parts of the committees and grantees to be performed and such security to be by them given as shall be requisite and needful.

And Wee do hereby give and grant unto you the said Arthur Phillip by yourself or by your captains or commanders by you to be authorized full power and authority to levy arm muster and command and employ all persons whatsoever residing within our said territory and its dependencies under your government and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemies pirates and rebels both at sea and land and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said territory and its dependencies and (if it shall so please God) them to vanquish apprehend and take and being so taken according to law to put to death or keep and preserve alive at your discretion.

To levy
armed forces.

And to execute martial law in time of invasion or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain-General and Governor-in-Chief doth or ought of right to belong.

To proclaim
martial law.

And Wee do hereby give and grant unto you full power and authority to erect raise and build in our said territory and its dependencies such and so many forts and platforms castles cities boroughs towns and fortifications as you shall judge necessary and the same or any of them to fortify and furnish with ordnances and ammunition and all sorts of arms fit and necessary for the security and defence of the same or any of them to demolish or dismantle as may be most convenient.

To erect
fortifications.

And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered Wee

To exercise
sovereign
naval powers.

do hereby give and grant unto you the said Arthur Phillip full power and authority to constitute and appoint captains lieutenants masters of ships and other commanders and officers and to grant to such captains lieutenants masters of ships and other commanders and officers commissions to execute the law-martial during the time of war according to the directions of an Act passed in the twenty-second year of the reign of our late royal grandfather intituled "An Act for explaining amending and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships vessels and forces by sea as the same is altered by an Act passed in the nineteenth year of our reign intituled an Act to explain and amend an Act made in the twenty-second year of the reign of his late Majesty King George the Second intituled an Act for amending explaining and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships vessels and forces by sea."

And to use such proceedings authorities punishments corrections executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the ports harbours or bays of our said territory as the case shall be found to require according to martial law and the said directions during the time of war as aforesaid.

With certain
limitations.

Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said territory and its dependencies under your Government by any captain commander lieutenant master officer seaman soldier or other person whatsoever who shall be in actual service in pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the seal of our Admiralty.

But that such captain commander lieutenant master officer seaman soldier or other person so offending shall be left to be proceeded against and tried as the merits of their offences shall require either by commission under our Great Seal of Great Britain as the statute of the Twenty-eighth of Henry the Eighth directs or by commission from our Commissioners for executing the office of our High Admiral of Great Britain or from our High Admiral of Great Britain for the time being according to the aforesaid Act intituled "An Act for amending explaining and

reducing into one Act of Parliament the laws relating to the Government of his Majesty's ships vessels and forces by sea" as the same is altered by an Act passed in the nineteenth year of our reign intituled "An Act to explain an Act made in the twenty-second year of his late Majesty King George the Second intituled 'An Act for amending explaining and reducing into one Act of Parliament the laws relating to the Government of his Majesty's ships vessels and forces by sea.'"

Provided nevertheless that all disorders and misdemeanors committed on shore by any captain commander lieutenant master officer seaman soldier or any other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain or from our High Admiral of Great Britain for the time being under the seal of our Admiralty may be tried and punished according to the laws of the place where any such disorders offences and misdemeanors shall be committed on shore notwithstanding such offender be in our actual service and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain or from our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any protection for the avoidance of justice for such offences committed on shore from any pretence of his being employed in our service at sea.

Our will and pleasure is that all public monies which shall be raised be issued out by warrant from you and disposed of by you for the support of the Government or for such other purpose as shall be particularly directed and not otherwise. To control finances.

And Wee do hereby likewise give and grant unto you full power and authority to agree for such lands tenements and hereditaments as shall be in our power to dispose of and them to grant to any person or persons upon such terms and under such moderate quit rents services and acknowledgments to be thereupon reserved unto us according to such instructions as shall be given to you under our sign manual which said grants are to pass and be sealed by our seal of our said territory and its dependencies and being entered upon record by such officer or officers as you shall appoint thereunto shall be good and effectual in law against us our heirs and successors. To grant land.

And Wee do hereby give you the said Arthur Phillip full power to appoint fairs marts and markets as also such and so many To control commerce.

ports harbours bays havens and other places for conveniency and security of shipping and for the better loading and unloading of goods and merchandizes as by you shall be thought fit and necessary.

Jurisdiction
over subordi-
nate officers.

And Wee do hereby require and command all officers and ministers civil and military and all other inhabitants of our said territory and its dependencies to be obedient aiding and assisting you the said Arthur Phillip in the execution of this our commission and of the powers and authorities herein contained and in case of your death or absence out of our said territory to be obedient aiding and assisting to such person as shall be appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies to whom Wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our territory and its dependencies.

Provision for
vacancy in
office.

And if upon your death or absence out of our said territory and its dependencies there be no person upon the place commissioned or appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies our will and pleasure is that the officer highest in rank who shall be at the time of your death or absence upon service within the same and who shall take the oaths and subscribe the declaration appointed to be taken and subscribed by you or by the Commander-in-Chief of our said territory and its dependencies shall take upon him the administration of the Government and execute our said commission and instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander-in-Chief should or ought to do in case of your absence until your return or in all cases untill our further pleasure be known therein.

Term of office.

And Wee do hereby declare ordain and appoint that you the said Arthur Phillip shall and may hold execute and enjoy the office and place of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure.

In witness &c.

Witness ourself at Westminster the second day of April in the twenty-seventh year of our reign.

By writ of Privy Seal.

G.R.

INSTRUCTIONS* for our trusty and well-beloved Arthur Phillip, Esq., our Captain-General and Governor-in-Chief in and over our territory of New South Wales and its dependencies, or to the Lieutenant-Governor or Commander-in-Chief of the said territory for the time being. Given at our Court at St. James's, the 25th day of April, 1787, in the twenty-seventh year of our reign.

WITH these our instructions you will receive our commission under our Great Seal constituting and appointing you to be our Captain-General and Governor-in-Chief of our territory called New South Wales, extending from the northern cape or extremity of the coast, called Cape York, in latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South Wales or South Cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland to the westward, as far as the one hundred and thirty-fifth degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean, within the latitudes aforesaid, 10° 37' south and 43° 39' south; and of all towns, garrisons, castles, forts, and all other fortifications or other military works which may be hereafter erected upon the said territory, or any of the said islands, with directions to obey such orders and instructions as shall from time to time be given to you, under our signet and sign manual, or by our order in our Privy Council. Territorial jurisdiction.

You are, therefore, to fit yourself with all convenient speed, and to hold yourself in readiness to repair to your said command, and being arrived, to take upon you the execution of the trust we have reposed in you, as soon as conveniently may be, with all due solemnity to cause our said Commission under our Great Seal of Great Britain constituting you our Governor and Commander-in-Chief as aforesaid to be read and published. Commission to be read in public.

And whereas we have ordered that about 600 male and 180 female convicts† now under sentence or order of transportation whose names are contained in the list hereunto annexed should be removed out of the gaols and other places of confinement in this our kingdom, and be put on board of the several transport ships which have been taken up for their reception, it is our royal will and pleasure that as soon as the said convicts, and the several persons composing the civil establishments, and the stores, provisions, &c., provided for their use, shall be put on board the Supply, tender, and the transport ships named in the margin,‡ and be in readiness to depart, that you do take them

* Note 2. † Note 3.

‡ Alexander, Charlotte, Scarborough, Friendship, Prince of Wales, Lady Penrhyn.

To take
command of
fleet.

under your protection and proceed in the *Sirius* with the said tender and transports to the port on the coast of New South Wales, situated in the latitude of $33^{\circ} 41'$, called by the name of Botany Bay, agreeably to the instructions with which you will be furnished by the Commissioners of our Admiralty, in pursuance of our royal commands already signified to them.

To purchase
wine.

And whereas it may happen upon your passage to New South Wales that you may find it necessary and expedient to call with the ships and vessels under your convoy at the island of Teneriffe, at the Rio de Janeiro, and also at the Cape of Good Hope, for supplies of water and other refreshments for the voyage, it is our further will and pleasure that you do upon your arrival at the former of those places take on board any of the ships of the convoy which you may think proper such quantities of wine as may be requisite for the supply of the said settlement, according to the instructions with which the Commissary of Stores and Provisions will be furnished by the Commissioners of our Treasury, taking care that the quantities purchased do not exceed the proportions to be issued to the several persons composing the said settlement entitled thereto, agreeably to the said instructions, for the time to which they have confined the supply of that article; and for the amount of such purchases you will direct the Commissary to draw bills of exchange upon them properly certified by you, or our Lieut.-Governor of the said intended settlement, with the other usual attestations that the same has been obtained at the most reasonable rates, transmitting at the same time an account thereof to them, in order that you may be released from any imprest which such purchases might occasion.

Method of
payment.

Notwithstanding there is already a considerable quantity of corn and other seed-grain put on board the ships of the convoy, probably more than may be immediately necessary for raising supplies for the settlement, we are disposed to guard as much as possible against accidents which may happen, or injuries which these articles might sustain during the passage: It is, therefore, our further will and pleasure that you, upon your arrival at any of the places you may have occasion to touch at, endeavour to obtain such further quantities of seed-grain as you may think requisite for the tillage of the land at the place of your destination: And also that you do take on board any number of black cattle, sheep, goats, or hogs which you can procure, and the ships of the convoy can contain, in order to propagate the breed of these animals for the general benefit of the intended settlement, causing the Commissary of Stores and Provisions to draw bills for the same as is before directed for such supplies, as well as for any fresh provisions which it may be requisite to procure

To purchase
grain and live
stock.

for the use of the marines or convicts at those places, and transmitting information to the Commissioners of our Treasury of such proceedings.

And whereas it is intended that several of the transport ships and victuallers which are to accompany you to New South Wales should be employed in bringing home cargoes of tea and other merchandize, from China, for the use of the East India Company, provided they can arrive at Canton in due time, whereby a very considerable saving would arise to the public in the freight of these vessels: It is our royal will and pleasure that upon your arrival at Botany Bay, on the said coast of New South Wales, you do cause every possible exertion to be made for disembarking the officers and men composing the civil and military establishments, together with the convicts, stores, provisions, &c., and having so done, you are to discharge all the said transports or victuallers, in order that such of them as may be engaged by the East India Company may proceed to China, and that the rest may return home. You will, however, take care, before the said transport ships are discharged, to obtain an assignment to you or the Governor-in-Chief for the time being, from the masters of them, of the servitude of the several convicts for the remainder of the times or terms specified in their several sentences or orders of transportation.*

Transports to
be promptly
discharged.

According to the best information which we have obtained, Botany Bay appears to be the most eligible situation upon the said coast for the first establishment, possessing a commodious harbour and other advantages which no part of the coast hitherto discovered affords. It is therefore our will and pleasure that you do immediately upon your landing, after taking measures for securing yourself and the people who accompany you as much as possible from any attacks or interruptions of the natives of that country, as well as for the preservation and safety of the public stores, proceed to the cultivation of the land, distributing the convicts for that purpose in such manner, and under such inspectors or overseers, and under such regulations as may appear to you to be necessary and best calculated for procuring supplies of grain and ground provisions. The assortment of tools and utensils which have been provided for the use of the convicts and other persons who are to compose the intended settlement are to be distributed according to your discretion, and according to the employment assigned to the several persons. In the distribution, however, you will use every proper degree of economy, and be careful that the Commissary so transmit an account of the issues from time to time to the Commissioners of our Treasury, to enable them to judge of the propriety or expediency

To found the
settlement at
Botany Bay.

of granting further supplies. The clothing of the convicts and the provisions issued to them, and the civil and military establishments, must be accounted for in the same manner.

And whereas the Commissioners of our Admiralty have appointed Capt. Hunter to repair on board the *Sirius*, to assist you in the execution of your duty, and to take the command of the ship whenever you may see occasion to detach her from the settlement, and also to station the *Supply*, tender, under your orders, and to be assisting to you upon occasional services after your arrival. And whereas it is our royal intention that measures should be taken, in addition to those which are specified in the article of these our instructions, for obtaining supplies of live stock, and having, in consequence of such intention, caused a quantity of arms and other articles of merchandize to be provided and sent out in the ships under your convoy, in order to barter with the natives either on the territory of New South Wales or the islands adjacent: It is our will and pleasure that as soon as either of these vessels can be spared with safety from the settlement you do detach one or both of them for that purpose, confining their intercourse as much as possible to such parts as are not in the possession or under the jurisdiction of other European powers.

The increase of the stock of animals must depend entirely upon the measures you may adopt on the outset for their preservation; and as the settlement will be amply supplied with vegetable productions, and most likely with fish, fresh provisions, excepting for the sick and convalescents, may in a great degree be dispensed with. For these reasons it will become you to be extremely cautious in permitting any cattle, sheep, hogs, &c., intended for propagating the breed of such animals to be slaughtered until a competent stock may be acquired, to admit of your supplying the settlement from it with animal food without having further recourse to the places from whence such stock may have originally been obtained.

It is our will and pleasure that the productions of all descriptions acquired by the labour of the convicts should be considered as a public stock, which we so far leave to your disposal that such parts thereof as may be requisite for the subsistence of the said convicts and their families, or the subsistence of the civil and military establishments of the settlement, may be applied by you to that use. The remainder of such productions you will reserve as a provision for a further number of convicts, which you may expect will shortly follow you from hence, to be employed under your direction in the manner pointed out in these our instructions to you.

6
Directions re
H.M. ships
Sirius and
Supply.

To conserve
breeding stock.

Public stores.

From the natural increase of corn and other vegetable food from a common industry, after the ground has once been cultivated, as well as of animals, it cannot be expedient that all the convicts which accompany you should be employed in attending only to the object of provisions. And, as it has been humbly represented to us that advantages may be derived from the flax-plant which is found in the islands not far distant from the intended settlement, not only as a means of acquiring clothing for the convicts and other persons who may become settlers, but from its superior excellence for a variety of maritime purposes, and as it may ultimately become an article of export, it is, therefore, our will and pleasure that you do particularly attend to its cultivation, and that you do send home by every opportunity which may offer samples of this article, in order that a judgment may be formed whether it may not be necessary to instruct you further upon this subject.

To cultivate
the flax plant.

And whereas we are desirous that some further information should be obtained of the several ports or harbours upon the coast, and the islands contiguous thereto, within the limits of your government, you are, whenever the Sirius or the Supply, tender, can conveniently be spared, to send one, or both of them, upon that service.

To explore the
coast.

Norfolk Island, situated in the lat.* , and long.* east from Greenwich about* , being represented as a spot which may hereafter become useful, you are, as soon as circumstances will admit of it, to send a small establishment thither to secure the same to us, and prevent it being occupied by the subjects of any other European power; and you will cause any remarks or observations which you may obtain in consequence of this instruction to be transmitted to our Principal Secretary of State for Plantation Affairs† for our information.

To colonise
Norfolk Island.

And whereas it may happen, when the settlement shall be brought into some state of regulation, that the service of the Sirius may not be necessary at the said settlement, and as we are desirous to diminish as much as possible the expences which the intended establishment occasions, you will, whenever the service of the said ship can be dispensed with, order Capt. Hunter to return with her to England. And as from such an arrangement the emoluments of your station will be diminished, it is our royal intention that the same shall be made good to you by bills to be drawn by you upon the Commissioners of our Treasury.

Sirius to
return to
England.

You are to endeavour by every possible means to open an intercourse with the natives, and to conciliate their affections, enjoining all our subjects to live in amity and kindness with them. And if any of our subjects shall wantonly destroy them, or give

To protect the
natives.

them any unnecessary interruption in the exercise of their several occupations, it is our will and pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence. You will endeavour to procure an account of the numbers inhabiting the neighbourhood of the intended settlement, and report your opinion to one of our Secretaries of State in what manner our intercourse with these people may be turned to the advantage of this colony.

To encourage religious observance.

And it is further our royal will and pleasure that you do by all proper methods enforce a due observance of religion and good order among the inhabitants of the new settlement, and that you do take such steps for the due celebration of publick worship as circumstances will permit.

To procure women from the islands.

And whereas, as from the great disproportion of female convicts to those of the males who are put under your superintendence, it appears advisable that a further number of the latter should be introduced into the new intended settlement, you are, whenever the *Sirius* or the tender shall touch at any of the islands in those seas, to instruct their commanders to take on board any of the women who may be disposed to accompany them to the said settlement. You will, however, take especial care that the officers who may happen to be employed upon this service do not, upon any account, exercise any compulsive measures, or make use of fallacious pretences, for bringing away any of the said women from the places of their present residence.

To grant lands to emancipated convicts with conditions.

And whereas we have by our Commission, bearing date [2nd April] 1787, given and granted upon you full power and authority to emancipate and discharge from their servitude any of the convicts under your superintendence who shall, from their good conduct and a disposition to industry, be deserving of favour: It is our will and pleasure that in every such case you do issue your warrant to the Surveyor of Lands to make surveys of and mark out in lots such lands upon the said territory as may be necessary for their use; and when that shall be done, that you do pass grants thereof with all convenient speed to any of the said convicts so emancipated, in such proportions and under such conditions and acknowledgments as shall hereafter be specified, viz.:—To every male shall be granted 30 acres of land, and in case he shall be married, 20 acres more; and for every child who may be with them at the settlement at the time of making the said grant, a further quantity of 10 acres, free of all fees, taxes, quit rents, or other acknowledgments whatsoever, for the space of ten years: Provided that the person to whom the said land shall have been granted shall reside within the same and proceed to the cultivation and improvement thereof; reserving only to us such

timber as may be growing, or to grow hereafter, upon the said land which may be fit for naval purposes, and an annual quit rent of* after the expiration of the term or time before mentioned. You will cause copies of such grants as may be passed to be preserved, and make a regular return of the said grants to the Commissioners of our Treasury and the Lords of the Committee of our Privy Council for Trade and Plantations.†

And whereas it is likely to happen that the convicts who may after their emancipation, in consequence of this instruction, be put in possession of lands will not have the means of proceeding to their cultivation without the public aid: It is our will and pleasure that you do cause every such person you may so emancipate to be supplied with such a quantity of provisions as may be sufficient for the subsistence of himself, and also of his family, for twelve months, together with an assortment of tools and utensils, and such a proportion of seed-grain, cattle, sheep, hogs, &c., as may be proper, and can be spared from the general stock of the settlement.

Grantees to be assisted.

And whereas many of our subjects employed upon military service at the said settlement, and others who may resort thither upon their private occupations, may hereafter be desirous of proceeding to the cultivation and improvement of the land, and as we are disposed to afford them every reasonable encouragement in such an undertaking: It is our will and pleasure that you do, with all convenient speed, transmit a report of the actual state and quality of the soil at and near the said intended settlement, the probable and most effectual means of improving and cultivating the same, and of the mode, and upon what terms and conditions, according to the best of your judgment, the said lands should be granted, that proper instructions and authorities may be given to you for that purpose.

To report on land.

And whereas it is our royal intention that every sort of intercourse between the intended settlement at Botany Bay, or other place which may be hereafter established on the coast of New South Wales and its dependencies, and the settlements of our East India Company, as well as the coast of China, and the islands situated in that part of the world, to which any intercourse has been established by any European nation, should be prevented by every possible means: It is our royal will and pleasure that you do not on any account allow craft of any sort to be built for the use of private individuals which might enable them to effect such intercourse, and that you do prevent any vessels which may at any time hereafter arrive at the said settlement from any of the ports before mentioned from having

To prohibit intercourse with foreign ports.

communication with any of the inhabitants residing within your Government, without first receiving especial permission from you for that purpose.

G.R.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.
(Per transport Friendship and transport Alexander.)

Headquarters, Sydney Cove,

Sir,

26th April, 1788.

1788.
26 April.

As the surgeon volunteer* who was put on board the Lady Penrhyn transport to attend the convicts was found to be very unequal to the task, I was under the necessity of desiring Mr. Arthur Bowes, surgeon of that transport, to take charge of the medicines, and attend to the sick, which he did with great attention. I therefore beg leave to recommend him to your notice, as he has not received any recompense for his trouble.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 1, per transport Alexander, duplicate per transport Friendship, triplicate per store-ship Borrowdale; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

Sydney Cove, New South Wales,

15 May.

My Lord,

May 15th, 1788.

Sub-division
of fleet.

I had the honor of informing your Lordship, by Captain Cox, who was returning to Europe from Madrass, that I was ready to sail from the Cape of Good Hope, and which I did with the ships under my command the 12th of November. The 25th, being eighty leagues to the eastward of the Cape, I left the Sirius, and went on board the Supply, tender, in hopes, by leaving the convoy, to gain sufficient time to examine the country round Botany Bay, and fix on the most eligible situation for the colony before the transports arrived. At the same time I ordered the agent for the transport in the Alexander to separate from the convoy with that ship, the Scarborough and Friendship, they sailing better than the others. I had reason to expect their arrival soon after the Supply's, and by having the labour of the convicts they had on board much might be done in preparing for the landing the stores and provisions.

Major Ross now left the Sirius, and went on board the Scarborough, that he might be with that part of the detachment, which would probably be the first landed.

Captain Hunter in the Sirius was to follow with the storeships and the remainder of the transports,† and he had the necessary instructions for his future proceedings, should the Supply meet with any accident.

* Note 6. † Note 7.

The westerly winds we now had continued till the 3rd of January, when we saw the coast of New South Wales, but the winds, which had been so favourable, having seldom been to the eastward, and then for a few hours only, blowing from the N.W. to the S.W., generally very strong gales, now left us, and we had variable winds, with a current that at times set very strong to the southward, so that we did not arrive at Botany Bay before the 18th.

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15 May.
Australian
coast sighted.

Arrival at
Botany Bay.

The Alexander, Scarborough, and Friendship came in the next day, and the Sirius, with the rest of the ships, the day after. Those ships had continued very healthy.

The Supply, sailing very badly, had not permitted my gaining the advantage hoped for, but I began to examine the bay as soon as we anchored, and found that tho' extensive, it did not afford shelter to ships from the easterly winds; the greater part of the bay being so shoal that ships of even a moderate draught of water are obliged to anchor with the entrance of the bay open, and are exposed to a heavy sea that rolls in when it blows hard from the eastward.

Description of
the bay.

Several small runs of fresh water were found in different parts of the bay, but I did not see any situation to which there was not some very strong objection. The small creek that is in the northern part of the bay runs a considerable way into the country, but it had only water for a boat. The sides of this creek are frequently overflowed, and the lowlands a swamp. The western branch runs up for a considerable distance, but the officers I sent to examine it could not find any water, except in very small drains.

The best situation that offered was near Point Sutherland, where there was a small run of good water; but the ground near it, as well as a considerable part of the higher ground, was spongy, and the ships could not approach this part of the bay.

Several good situations offered for a small number of people, but none that appeared calculated for our numbers, and where the stores and provisions could be landed without a great loss of time. When I considered the bay's being so very open, and the probability of the swamps rendering the most eligible situation unhealthy, I judged it advisable to examine Port Jackson; but that no time might be lost if I did not succeed in finding a better harbour, and a proper situation for the settlement, the ground near Point Sutherland was in the meantime to be cleared and preparations made for landing under the direction of the Lieutenant-Governor.

As the time in which I might be absent, if I went in the Supply, must have been very uncertain, I went round with three

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15 May.

boats, taking with me Captain Hunter and several officers, that by examining different parts of the port at the same time less time might be lost.

Exploration
of Port
Jackson.

We got into Port Jackson early in the afternoon, and had the satisfaction of finding the finest harbour in the world, in which a thousand sail of the line may ride in the most perfect security, and of which a rough survey, made by Captain Hunter and the officers of the *Sirius* after the ships came round, may give your Lordship some idea.

The different coves were examined with all possible expedition. I fixed on the one that had the best spring of water, and in which the ships can anchor so close to the shore that at a very small expence quays may be made at which the largest ships may unload.

Sydney Cove.

This cove, which I honoured with the name of Sydney,* is about a quarter of a mile across at the entrance, and half a mile in length.

We returned to Botany Bay the third day, where I received a very unfavourable account of the ground that was clearing.

The fleet in
Port Jackson.

The ships immediately prepared to go round, and the 25th—seven days after I arrived in the *Supply*—I sailed in her for Port Jackson, leaving Captain Hunter to follow with the transports, it then blowing too strong for them to work out of the bay. They joined me the next evening, and all the transports were moored in the cove.

Expedition of
Mons. De La
Perouse.

Two sail had appeared off Botany Bay the 24th, under French colours, and anchored there before the *Sirius* left it—the *Boussole* and the *Astrolabe*. These ships were commanded by Monsr. La Perouse, who, having exprest a desire of sending letters to Europe, I sent an officer over, it being only eight miles, to tell him in what time it was probable the ships might sail. Captain Clonard had left the ship in one of their boats the same morning, and Lieut. Shortland,† the agent for the transports, is charged with the letters he brought. They are addressed to the French Ambassador. The officer I sent over was informed that Monsr. La Perouse sailed from France in June, 1785; that he had been to Sta. Catherina, had run along the coast of Chili and California, and had been at Easter Island, Noatka Sound, Cook's River, Kamtschatka, Manilla, Isles des Navigateurs, Sandwich, and the Friendly Islands. He had, likewise, anchored off Norfolk Island, but could not land on account of the surf. In this voyage he had not lost any of his people by sickness, but had lost two boats' crews in a surf on the north-west part of America, and at Maouna (one of the Isles des Navigateurs) Monsr. De Langle,

* Note 8. † Note 9.

capt. of the *Astrolabe*, was cut off by the natives, with twelve officers and men. Many were wounded, and two long-boats he had on shore destroyed. The ships were then under sail, and De Langle went on shore to fill some water-casks. The boats were suffered to ground, and the natives, with whom they had been on the most friendly terms, and who had supply'd them with refreshments in the greatest abundance, attacked them when they were endeavouring to get them afloat. He had forty officers and men with him, and the ships, being round a point of land, knew nothing of the accident till the small boats returned. These ships, while in Botany Bay, set up two long-boats, the frames of which they had brought from Europe. They sailed the 10th of March, I believe to return to the northward.

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The clearing the ground for the people and for erecting store-houses was begun as soon as the ships got round, a labour of which it will be hardly possible to give your Lordship a just idea.

Foundation of
Sydney.

The necks of land that form the different coves, and near the water for some distance, are in general so rocky that it is surprising such large trees should find sufficient nourishment, but the soil between the rocks is good, and the summits of the rocks, as well as the whole country round us, with few exceptions, are covered with trees, most of which are so large that the removing them off the ground after they are cut down is the greatest part of the labour; and the convicts, naturally indolent, having none to attend them but overseers drawn from amongst themselves, and who fear to exert any authority, makes this work go on very slowly.

Your Lordship will permit me to observe that our situation tho' so very different from what might be expected, is nevertheless the best that offered. My instructions did not permit me to detain the transports a sufficient length of time, to examine the coast to any considerable distance, it was absolutely necessary to be certain of a sufficient quantity of fresh water, in a situation that was healthy, and which the ships might approach within a reasonable distance for the conveniency of landing the stores and provisions, and I am fully persuaded that we should never have succeeded had it been attempted to move them only one mile from where they were landed. There are some parts of this harbour where the trees stand at a considerable distance from each other, and where there are small runs of water, which shall be cultivated when our numbers permit, and when the country inland can be examined. I make no doubt but some good situations will be found that have water, which I have never yet been able to find, either in Botany Bay or in this harbour, but in very small streams.

Reasons for
choice of site.

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15 May.

Some land that is near, and where the trees stand at a considerable distance from each other, will, as soon as convicts can be spared, be cultivated by the officers for raising a little corn for their stock; and this I have endeavoured to promote as much as possible, for I fear the consequences if a ship should be lost in her passage out with provisions.

Outbreak of
scurvy.

As there are only twelve convicts who are carpenters, as many as could be procured from the ships have been hired to work on the hospital and store-houses. The people were healthy when landed, but the scurvy has, for some time, appeared amongst them, and now rages in a most extraordinary manner. Only sixteen carpenters* could be hired from the ships, and several of the convict carpenters were sick. It was now the middle of February; the rains began to fall very heavy, and pointed out the necessity of hutting the people; convicts were therefore appointed to assist the detachment in this work.

Settlement of
Norfolk Island.

February the 14th the Supply sailed for Norfolk Island, with Philip Gidley King, second lieutenant of his Majesty's ship Sirius, for the purpose of settling that island. He only carried with him a petty officer, surgeon's mate, two marines, two men who understood the cultivation of flax, with nine men and six women convicts.† Their number shall be increased when a small detachment of marines can be spared. I have the honour of transmitting your Lordship a copy of the order and instructions given to that officer, and I beg leave to recommend him as an officer of merit, and whose perseverance in that or any other service may be depended upon.

Exploration of
Broken Bay.

The 2d of March I went with a long-boat and cutter to examine the broken land mentioned by Captain Cook, about eight miles to the northward of Port Jackson. We slept in the boat that night within a rocky point, in the north-west part of the bay (which is very extensive), as the natives, tho' very friendly, appeared to be numerous; and the next day, after passing a bar that had only water for small vessels, entered a very extensive branch, from which the ebb tide came out so strong that the boats could not row against it in the stream; and here was deep water. It appeared to end in several small branches, and in a large lagoon that we could not examine for want of time to search for a channel for the boats amongst the banks of sand and mud. Most of the land on the upper part of this branch was low and full of swamps. Pelicans and variety of birds were here seen in great numbers. Leaving this branch, which I called the north-west branch, we proceeded across the bay, and went into the south-west branch, which is very extensive, and from which a second branch runs to the westward,

* Note 10. † Note 11.

affording shelter for any number of ships, and as far as we examined there is water for the largest ships, having seven fathoms at the entrance, and deep water as you go up. But the almost continual rains prevented any kind of survey. Here the land is much higher than at Port Jackson, more rocky, and equally covered with timber, large trees growing on the summits of mountains that appear to be accessible to birds only.

Immediately round the headland that forms the southern entrance into the bay there is a third branch, which I think the finest piece of water I ever saw, and which I honoured with the name of Pitt Water.* It is, as well as the south-west branch, of sufficient extent to contain all the Navy of Great Britain, but has only eighteen feet at low water on a narrow bar which runs across the entrance. Within the bar there are from seven to fifteen fathom water. The land here is not so high as in the south-west branch, and there are some good situations where the land might be cultivated. We found small springs of water in most of the caves, and saw three cascades falling from a height which the rains then rendered inaccessible. I returned to Port Jackson after being absent eight days in the boats. Some of the people feeling the effects of the rain, which had been almost constant, prevented my returning by land, as I intended, in order to examine a part of the country which appeared open and free from timber.

Lieutenant Ball, who commands the Supply, arrived the 19th of March. He made Norfolk Island on the 29th of February, and was five days before a place could be found at which it was possible to land the provisions, and saw very few places at which it was possible to land a man, so completely do the rocks surround that island. They succeeded, however, having found a small opening in a reef that runs across a bay that is at the south end of the island, and the six months' provisions were all safely landed. Lieut. King describes this island as one intire wood, without a single acre of clear land that had been found when the Supply left them, and says that the pine-trees rise fifty and sixty feet before they shoot out any branches. There are several other kinds of timber on the island, which, as far as he could examine it, was a rich black mould, with great quantities of pumice-stone. The trees are so bound together by a kind of supple-jack that the penetrating into the interior parts of the island was very difficult. Several good springs of water were found, and I apprehend his Majesty's ships in the East Indies may be supplied from this island with masts and yards, which will render it a very valuable acquisition. The cultivation of the flax-plant will be attended to when people can be sent to clear the ground.

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15 May.

Report from
Norfolk Island

* Note 12.

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15 May.

Discovery of
Lord Howe
Island.

A small island being seen on the passage to Norfolk Island, Lieutenant Ball examined it on his return, and says it abounds in turtle, but unfortunately has no good anchoring-ground. He named it after Lord Howe.* It is in $31^{\circ} 36'$ south latitude, and 159° east longitude. Part of this island may be seen sixteen leagues, and a rock that is five leagues to the southward and eastward of the island may be seen eighteen leagues.

First transports
discharged.

The Charlotte, Scarborough, and Lady Penrhyn, transports, were cleared of all their stores and discharged from Government employ the 24th and 25th of March, and left at liberty to proceed to China when they judged proper. The other ships remain till store-houses can be finished.

Criminal Court
assembled.

Your Lordship will not be surprized that I have been under the necessity of assembling a Criminal Court.† Six men were condemned to death. One, who was the head of the gang, was executed the same day; the others I reprieved. They are to be exiled from the settlement, and when the season permits I intend they shall be landed near the South Cape, where, by their forming connexions with the natives, some benefit may accrue to the public. These men had frequently robbed the stores and the other convicts. The one who suffered and two others were condemned for robbing the stores of provisions the very day they received a week's provisions, and at which time their allowance, as settled by the Navy Board, was the same as the soldiers, spirits excepted; the others for robbing a tent, and for stealing provisions from other convicts.

Agriculture.

The great labour in clearing the ground will not permit more than eight acres to be sown this year with wheat and barley. At the same time the immense number of ants and field-mice will render our crops very uncertain.

Live stock.

Part of the live stock‡ brought from the Cape, small as it was, has been lost, and our resource in fish is also uncertain. Some days great quantities are caught, but never sufficient to save any part of the provisions; and at times fish are scarce.

Stores required.

Your Lordship will, I presume, see the necessity of a regular supply of provisions for four or five years, and of clothing, shoes, and frocks in the greatest proportion. The necessary implements for husbandry and for clearing the ground brought out will with difficulty be made to serve the time that is necessary for sending out a fresh supply.

Convict
labour.

The labour of the convicts shall be, as is directed, for the public stock, but it is necessary to permit a part of the convicts to work for the officers, who, in our present situation, would otherwise find it impossible to clear a sufficient quantity of ground to raise what is absolutely necessary to support the little stock

* Note 13. † Note 14. ‡ Note 15.

they have; and I am to request that your Lordship will be pleased to direct me to what extent that indulgence may be granted the officers of the garrison.

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15 May.

The Sirius shall be sent to the northward to barter for stock, and which shall be employed solely for the purposes of increasing the breed of such cattle as she may procure. The Supply is no ways calculated for this service, as in the least sea her decks are full of water.

The very small proportion of females makes the sending out an additional number absolutely necessary, for I am certain your Lordship will think that to send for women from the Islands,* in our present situation, would answer no other purpose than that of bringing them to pine away in misery.

More women
required.

I have had the honor of informing your Lordship that this harbour is, in extent and security, very superior to any other that I have ever seen—containing a considerable number of coves, formed by narrow necks of land, mostly rocks, covered with timber, and the face of the country, when viewed from the harbour, is the same, with few exceptions. The neck of land between the harbour and the coast is mostly sand. Between that part of the harbour in which the settlement is made and Botany Bay, after you pass the wood which surrounds us, and which in some parts is a mile and a half, in others three miles across, the country is a poor sandy heath, full of swamps.

Description of
Port Jackson
and littoral.

The country towards the head of the bay is covered with timber, and here the land appears less rocky, and the trees stand in some parts at a greater distance; but the head of the bay being left dry in several parts at low water, and the winds being obstructed by the woods and the different windings of the channel, must, I conceive, render this part of the harbour unhealthy till the country can be cleared. As far as the eye can reach to the westward the country appears to be one continued wood.

The timber is well described in Captain Cook's voyage, but unfortunately it has one very bad quality, which puts us to great inconvenience; I mean the large gum-tree, which splits and warps in such a manner when used green, and to which necessity obliged us, that a store-house boarded up with this wood is rendered useless. The timber which in its growth resembles the fir-tree warps less, but we are already obliged to fetch it from some distance, and it will not float. There are a variety of palm-trees, and the heaths that are free from timber are covered with a variety of the most beautiful flowering shrubs, wild celery, spinages, samphose, a small wild fig, and several berries, which have proved very wholesome, particularly the leaves of a small shrub which is found in such plenty that it has

Botanical notes.

* Note 16.

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not yet failed us as most of the others have done. What seeds could be collected are sent to Sir Joseph Banks, as likewise the red gum taken from the large gum-tree by tapping, and the yellow gum which is found on the dwarf palm-tree. The small quantity of flax that has been procured is sufficient to show the quality, but the flax-plant described by Capt. Cook I have never met with, nor had the botanists that accompanied Mons. La Perouse found it when I saw them, and which was some time after they arrived; and here, my Lord, I must beg leave to observe, with regret, that being myself without the smallest knowledge of botany, I am without one botanist, or even an intelligent gardener, in the colony; it is not therefore in my power to give more than a very superficial account of the produce of this country, which has such variety of plants that I cannot, with all my ignorance, help being convinced that it merits the attention of the naturalist and the botanist.

Freestone and
clay.

The stone of this country is of three sorts: Freestone, which appears equal to Portland stone, a bad firestone, and a stone that appears to contain a large proportion of iron. We have good clay for bricks, but no chalk or limestone has yet been found.

Observations
on the
aborigines.

With respect to the natives, it was my determination from my first landing that nothing less than the most absolute necessity should ever make me fire upon them, and tho' persevering in this resolution has at times been rather difficult, I have hitherto been so fortunate that it never has been necessary. Mons. La Perouse, while at Botany Bay, was not so fortunate. He was obliged to fire on them, in consequence of which, with the bad behaviour of some of the transports' boats and some convicts, the natives have lately avoided us, but proper measures are taken to regain their confidence.

The few hours I have to collect and put into method the observations I have made of these people will, I hope, excuse me to your Lordship for sending only extracts from my journal,* as they have been set down when the little incidents occurred, and from which a more just opinion of these people may be drawn than I should perhaps be able to give.

When I first landed in Botany Bay the natives appeared on the beach, and were easily persuaded to receive what was offered them, and, tho' they came armed, very readily returned the confidence I placed in them, by going to them alone and unarmed, most of them laying down their spears when desired; and while the ships remained in Botany Bay no dispute happened between our people and the natives. They were all naked, but seemed fond of ornaments, putting the beads or red baize that were given

* Note 17.

them round their heads or necks. Their arms and canoes being described in "Captain Cook's Voyage," I do not trouble your Lordship with any description of them.

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When I first went in the boats to Port Jackson the natives appeared armed near the place at which we landed, and were very vociferous, but, like the others, easily persuaded to accept what was offered them, and I persuaded one man, who appeared to be the chief or master of the family, to go with me to that part of the beach where the people were boiling their meat. When he came near the marines, who were drawn up near the place, and saw that by proceeding he should be separated from his companions, who remained with several officers at some distance, he stopped, and with great firmness seemed by words and acting to threaten if they offered to take any advantage of his situation. He then went on with me to examine what was boiling in the pot, and expressed his admiration in a manner that made me believe he intended to profit from what he saw, and which I made him understand he might very easily by the help of some oyster-shells. I believe they know no other way of dressing their food but by broiling, and they are seldom seen without a fire, or a piece of wood on fire, which they carry with them from place to place, and in their canoes, so that I apprehend they find some difficulty in procuring fire by any other means with which they are acquainted. The boats, in passing near a point of land in the harbour, were seen by a number of men, and twenty of them waded into the water unarmed, received what was offered them, and examined the boats with a curiosity that gave me a much higher opinion of them than I had formed from the behaviour of those seen in Captain Cook's voyage, and their confidence and manly behaviour made me give the name of Manly Cove to this place. The same people afterwards joined us where we dined; they were all armed with lances, two with shields and swords—the latter made of wood, the gripe small, and I thought less formidable than a good stick. As their curiosity made them very troublesome when we were preparing our dinner, I made a circle round us. There was little difficulty in making them understand that they were not to come within it, and they then sat down very quiet. The white clay rubbed on the upper part of the face of one of these men had the appearance of a mask; and a woman that appeared on some rocks near which the boats passed was marked with white on the face, neck, and breasts, in such a manner as to render her the most horrid figure I ever saw. They are not often seen marked in this manner, and it is done only on some particular occasions. Several women landed from their canoes the morning the boats stopp'd in a small bay near the

Manly Cove.

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entrance of the harbour, when I was going to examine the coast to the northward, and three of them were very big with child. Ribbons, baize, &c., they tied round their necks when they were given to them. Several of them had children with them in the canoes. They appeared to be less cheerful than the men, and under great subjection. Two canoes with three women in each, and one canoe with a man and woman, came off to us when we were a mile from the land, and came alongside the boat to receive some fish-hooks and lines which were offered them.

In Broken Bay several women came down to the beach with the men where we landed, one of which, a young woman, was very talkative and remarkably cheerful. They all readily assisted us in making a fire, and behaved in the most friendly manner. In a bay in which we landed to haul the seine many of the natives joined us, and I now observed that the women had lost two joints of the little finger of the left hand. As they appeared to be all married women, I supposed it to be a part of the marriage ceremony, but in going into a hut where there were several women and children who did not seem inclined to show themselves, I found one woman, who appeared to have had children, and a very old woman, on neither of whom this operation had been performed. There was likewise a child of five or six years of age that had lost the two joints. It is the women only that suffer this operation, which, as it must be performed with the shell that serves them, when fixed at the end of a short stick, as a chisel for pointing their spears and for separating the oysters from the rocks, must be a painful one. And as it is only on the little finger of the left hand that it is performed it cannot be any part of the marriage ceremony, for I have seen several women with child whose fingers were perfect, and, as I before observed, a female child of five or six years of age that had suffered the operation. I likewise saw some very young female children whose fingers were perfect. The loins of many of the women appeared as if they had something of a scrofulous disorder, but which I thought might be the marks still remaining of a chastisement. They certainly are not treated with any very great tenderness, and I believe are mostly employed in the canoes, where I have seen them with very young infants at the breast. They appear very obedient to the men, and as they are the weakest, so in this state of nature they appear to be treated as the inferior. The women, as well as the men, seem fond of little ornaments, but which they soon lay aside, and the talkative lady, when she joined us in her canoe the day after we first landed, stood up and gave us a song that was not unpleasing. As most of the women have lost the two first joints of the little finger on the left hand, so

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most of the men want the right front tooth in the upper jaw, and have the gristle that separates the nostrils perforated, frequently having a piece of stick or a bone thrust through, and which does not add to their beauty. This is general, but I saw some very old men that had not lost the tooth, and whose noses were not perforated for this ornament. On my showing them that I wanted a front tooth it occasioned a general clamour, and I thought gave me some little merit in their opinion. Their bodies, chiefly about the breasts and arms, are scarified, and sometimes the skin is raised for several inches from the flesh, appearing as if it was filled with wind, forming a round surface of more than a quarter of an inch in diameter. They have scars, likewise, on different parts of the body, and frequently one on the instep; nor does the head always escape, for one of them, putting aside the hairs on the fore part of the head, showed a scar, and then, pointing to one on the foot and those on different parts of the body, gave us to understand that he was honoured by these marks from head to foot. The scars the men are fond of showing, but I did not think that the women seemed to be fond of showing the mutilated fingers, and sometimes found it rather difficult to know whether they had lost the joint or not, for, though they had not the smallest idea that one part of the body required concealment more than the other, they appeared timid, would not approach us so readily as the men did, and sometimes they would not land from their canoes, but made signs for us to give what we offered them to the men.

When the south branch of Broken Bay was first visited we had some difficulty in getting round the headland that separates the two branches, having very heavy squalls of wind and rain, and where we attempted to land there was not sufficient water for the boat to approach the rocks, on which were standing an old man and a youth. They had seen us labour hard to get under the land, and after pointing out the deepest water for the boats, brought us fire, and going with two of the officers to a cave at some distance, the old man made use of every means in his power to make them go in with him, but which they declined; and this was rather unfortunate, for it rained hard, and the cave was the next day found to be sufficiently large to have contained us all, and which he certainly took great pains to make them understand. When this old man saw us prepare for sleeping on the ground, and clearing away the bushes, he assisted, and was the next morning rewarded for his friendly behaviour. Here we saw a woman big with child that had not lost the joints of the little finger.

When we returned, two days afterwards, to the spot where the old man had been so friendly he met us with a dance and a song

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of joy. His son was with him. A hatchet and several presents were made them, and as I intended to return to Port Jackson the next day every possible means were taken to secure his friendship; but when it was dark he stole a spade, and was caught in the fact. I thought it necessary to show that I was displeased with him, and therefore, when he came to me, pushed him away, and gave him two or three slight slaps on the shoulder with the open hand, at the same time pointing to the spade. This destroyed our friendship in a moment, and seizing a spear he came close up to me, poised it, and appeared determined to strike; but whether from seeing that his threats were not regarded—for I chose rather to risk the spear than fire on him—or from anything the other natives said who surrounded him, after a few moments he dropped his spear and left us. This circumstance is mentioned to show that they do not want personal courage, for several officers and men were then near me. He returned the next morning with several others, and seemed desirous of being taken notice of; but he was neglected, whilst hatchets and several other articles were given to the others.

The men hang in their hair the teeth of dogs and other animals, lobsters' claws, and several small bones, which they secure by gum; but I never saw the women do this. Their food is chiefly fish. The shark, I believe, they never eat. The fern root, wild fig, and the kernels of a large fruit that is not unlike a pine-apple, but which when eaten by the French seamen occasioned violent retchings. Their hooks are made from shells, and their lines and nets, I believe, from the flax-plant, but I have some that were made from the fur of some animal, and others that appeared to be made of cotton. The craw-fish and lobsters they catch in small hoop nets, the making of which shows some art; yet they have no kind of cloathing. At the same time, they appear to be sensible of the cold, and to dislike the rain very much, putting on their heads when it rains a piece of bark, under which I have seen them shiver. Their huts are generally surrounded by oyster and muscle shells, and their bodies smell of oil. They cannot be called a very cleanly people, yet I have seen one of them, after having in his hand a piece of pork, hold out his fingers for others to smell, with strong marks of disgust; and tho' they seldom refused bread or meat if offered them, I have never been able to make them eat with us, and when they left us they generally threw away the bread and meat; but fish they always accepted, and would broil and eat it.

The ground having been seen raised in several places, as is common in England, where poor people are buried I had one of these graves opened, and from the ashes had no doubt but that

they burn their dead.* From the appearance of the ashes, the body must be laid at length only a few inches below the surface, and is, with the wood ashes made by burning the body, covered lightly over with mould, fern, and a few stones. A grave was opened by Captain Hunter, in which part of a jawbone was found, not consumed by the fire, but we have seen very few of these graves, and none near their huts.

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Observations
on the
aborigines.

It is not possible to determine with any accuracy the number of natives, but I think that in Botany Bay, Port Jackson, Broken Bay, and the intermediate coast they cannot be less than one thousand five hundred.

In going to examine a cove near the entrance of the harbour (Shell Cove) I found a passage with deep water into a branch of the harbour that runs to the north-west, and finding on examining that there was a run of fresh water that came from the westward, I went a few days after to examine the source. I landed with four days' provisions, several officers, and a small party of marines, and found to the northward of this part of the harbour a large lake, which we examined, tho' not without great labour, for it is surrounded with a bog and large marsh, in which we were frequently up to the middle. There we saw a black swan; it was larger than the common swan, and when it rose, after being fired at, the wings appeared to be edged with white; there is some red on the bill, and it is a very noble bird. With great labour, in three days we got round the swamps and marshes, from which all the fresh water drains that this harbour is supplied with.

Exploration.

The country we past thro' when we left the low grounds was the most rocky and barren I ever saw; the ascending and descending of the mountains being practicable only in particular places, but covered with flowering shrubs; and when about fifteen miles from the sea-coast we had a very fine view of the mountains inland, the northernmost of which I named Carmarthen Hills,† and the southernmost Lansdowne Hills.† A mountain between I called Richmond Hill,† and from the rising of these mountains I did not doubt but that a large river would be found, in search of which I set off the 22nd of April, with six days' provisions.‡ We were eleven officers and men, and landed near the head of the harbour. Here the country was good, but we soon came to a close cover, that we endeavoured for some time to get thro', but were obliged to return, and the next day past this cover by keeping along the banks of a small creek for about four miles. The three following days we proceeded to the westward, finding the country in general as fine as any I ever saw, the trees growing from twenty to forty feet from each other, and, except in

The Blue
Mountains.

An expedition
from Parra-
matta.

* Note 18.

† Note 19.

‡ Note 20.

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particular places where the soil was stony and very poor, no under-wood. The country thro' which we past was mostly level, or only rising in small hills, which gave it a pleasing and picturesque appearance. The fifth day we got to a rising ground, and for the first time since we landed saw Carmarthen Hills, as, likewise, the hills to the southward. The country round this hill was so beautiful that I called the hill Bellevue, but the hills we wished to reach still appeared to be at least thirty miles from us. We had been five days out, and the want of provisions obliged us to return to the spot we left, by the track we went, otherwise our journey might be lengthened several days longer than we expected, by meeting with deep ravines, which we might be obliged to go round; and, I believe, no country can be more difficult to penetrate into than this is, tho' we always found pools of water that had remained after the rainy season, yet, as that could not be depended on, the water necessary for the day was always carried, which, with the provisions, arms, and a couple of tents, obliged every officer and man to carry a very heavy load, but which at present was so much lightened, and having the trees marked, in one day and a half we got back to the head of the harbour. We had been thirty miles to the westward, and had seen a country that might be cultivated with ease, and I intended returning in a few days in hopes of reaching the bottom of Landsdown or Carmarthen Hills; and the tracing of the natives inland, added to the hopes of finding a large river, which the appearance of the country promised, made everyone, notwithstanding the fatigue, desirous of being of the party; but my having when I went to Broken Bay, before I was perfectly recovered from the complaint which had been so general, slept several nights on the wet ground, brought on a pain in the side, which this journey increased so much that I found a few weeks' rest necessary after I returned.

Observations
during the
expedition on
the habits of
natives.

I have had the honor of informing your Lordship that we now know there is a good country near us, and it shall be settled and cultivated early in the spring. In this journey I was surprized to find temporary huts made by the natives far inland, where they must depend solely on animals for food, and to procure which we have never yet seen any other weapon than the spear, which is certainly very inferior to our guns, and with which in this journey, tho' we were in want of provisions for the last two days, procured us barely sufficient for two meals. These huts consist of only a single piece of bark, about eleven feet in length, and from four to six feet in breath, being, when stripped from the tree, bent in the middle, and sat up as children put up a card, affording shelter against a shower of rain if you sit under it. The hut may,

perhaps, only be intended to hide them from the animals they lay in wait for. Near one of these huts we found some of the bones of a kangaroo, and saw several trees that were on fire; the natives, I suppose, had left them on our approach. I also found the root of fern, or something like the fern root, that had been chewed by one of the natives; he could only have left the spot a few minutes; but we never saw any of them, and I believe their numbers in these woods must be very small. Whether they live in the woods by choice, or are driven from the society of those who inhabit the sea-coast, or whether they travel to a distant part of the country, I can form no judgment at present. The bark of many of the trees were cut in notches, and at the foot of one tree we found the fur of a flying squirrel. Many trees were seen with holes that had been enlarged by the natives to get at the animal, either the squirrel, kangaroo rat, or opossum, for the going in of which perhaps they wait under their temporary huts, and as the enlarging these holes could only be done with the shell they use to separate the oysters from the rocks, must require great patience. Against several trees where the hole was near the ground, but too high to reach, boughs of trees were laid for to climb up by. We saw many places where the natives had made fires, but at one place only were any oyster or muscle shells seen, and there not more than half-a-dozen, and no fish-bones, so that when they go inland they certainly do not carry any fish to support them.

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In Botany Bay, Port Jackson, and Broken Bay we frequently saw the figures of men, shields, and fish roughly cut on the rocks; and on the top of a mountain I saw the figure of a man in the attitude they put themselves in when they are going to dance, which was much better done than I had seen before, and the figure of a large lizard was sufficiently well executed to satisfy every one what animal was meant.

Aboriginal
carvings.

In all the country thro' which I have passed I have seldom gone a quarter of a mile without seeing trees which appear to have been destroyed by fire. We have seen very heavy thunderstorms, and I believe the gum-tree strongly attracts the lightning, but the natives always make their fire, if not before their own huts, at the root of a gum-tree, which burns very freely, and they never put a fire out when they leave the place.

Near some water we saw the dung of an animal that fed on grass, and which I thought could not be less than a horse. Kangaroos were frequently seen, but very shy, and it is a little extraordinary that more of these animals are seen near the camp than in any other part of the country, notwithstanding they are fired at almost daily. Black swans are found on most of the lakes, and a bird as large as the ostrich was killed while I was at

Zoological
notes.

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15 May.

Broken Bay. It differs both from the ostrich and the emu. Several have been seen, but they are very shy, and much swifter than the greyhounds. Here are wild ducks, teal, and quails, with great variety of small birds.

Loss of sheep.

On my return from this excursion I had the mortification to find that five ewes and a lamb had been killed in the middle of the day, and very near the camp, I apprehend by some of the native dogs.

The beginning of May the rainy season was once more supposed to be set in, but after a week we had fine weather.

Shipping—
outwards.

The three transports* for China sailed the 5th, 6th, and 8th of May; and the Supply, having been caulked, sailed the 6th to Lord Howe Island, to endeavour to procure turtle, in hopes of checking the scurvy, with which most of the people are affected, and near two hundred rendered incapable of doing any work. It is not possible to send the Sirius to the northward, for she must then have her carpenters, and only three of those hired from the transports now remain; and tho' the detachment began to build barracks for the use of the men and huts for the officers the 14th of February, and near a hundred convicts were given to assist in this work, they are not yet finished, nor is the hospital or the store-house that is to receive the provisions still remaining on board three transports, and on these works the carpenters of the Sirius are employed. I have before pointed out the great labour in clearing the ground as one cause of our slow progress.

Your Lordship will, I hope, excuse the confused manner in which I have in this letter given an account of what has past since I left the Cape of Good Hope. It has been written at different times, and my situation at present does not permit me to begin so long a letter again, the canvas house I am under being neither wind nor water proof.†

I have, &c.,

A. PHILLIP.

[Enclosure.]

COMMISSION‡ OF PHILIP GIDLEY KING.

By His Excellency Arthur Phillip, Esq., Governor-in-Chief and Captain-General in and over his Majesty's territory of New South Wales and its dependencies, &c., &c., &c.

By virtue of the power and authority vested in me, I do hereby constitute and appoint you, Philip Gidley King,§ Superintendant and Commandant of Norfolk Island, and of the settlement to be made thereon.

You are therefore carefully and diligently to discharge the duty of Superintendant and Commandant of the same, by doing and

* Note 21.

† Note 22.

‡ Note 23.

§ Note 24.

performing all and every such instructions as you have, or may hereafter, from time to time, receive from me, for the good of his Majesty's service.

1788.
15 May.

Given under my hand and seal, at head-quarters, in Port Jackson, New South Wales, this 12th day of February, 1788.

ARTHUR PHILLIP.

To Philip Gidley King, Esq.,

Superintendent and Commandant of Norfolk Island.

By Command of his Excellency.

Andrew Miller, Secretary.*

[Enclosure.]

Instructions for Philip Gidley King, Esq., Superintendent and Commandant of the Settlement of Norfolk Island.

WITH these Instructions you will receive my Commission appointing you to superintend and command the settlement to be formed on Norfolk Island, and to obey all such orders as you shall, from time to time, receive from me, his Majesty's Governor-in-Chief and Captain-General of the territory of New South Wales and its dependencies, or from the Lieutenant-Governor in my absence.

You are therefore to proceed in his Majesty's armed tender Supply, whose commander has my orders to receive you with the men and women, stores and provisions, necessary for forming the intended settlement, and on your landing on Norfolk Island take upon you the execution of the trust reposed in you, causing my Commission appointing you Superintendent over the said settlement to be publicly read.

To settle
Norfolk Island.

And after having taken the necessary measures for securing yourself and people, and for the preservation of the stores and provisions, you are immediately to proceed to the cultivation of the flax-plant, which you will find growing spontaneously on the island, as likewise to the cultivation of cotton, corn, and other grains, with the seeds of which you are furnished, and which you are to regard as public stock, and of the increase of which you are to send me an account, that I may know what quantity may be drawn from the island for the public use, or what supplies may be necessary to send hereafter. It is left to your discretion to use such part of the corn that is raised as may be found necessary; but this you are to do with the greatest economy. And as the corn, flax, cotton, and other grains are the property of the Crown, and are as such to be accounted for, you are to keep an exact account of the increase, and you will, in future, receive directions for the disposal thereof.

To cultivate
the flax plant,
cotton, corn,
and grain.

You are to inform yourself of the nature of the soil, what portion of land you find proper for the cultivation of corn, flax,

To study the
resources of
the Island.

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and cotton, as likewise what quantity of cattle may be bred on the island, and the number of people you judge necessary for the above purposes. You will likewise observe what are the prevailing winds in the different seasons of the year, the best anchorage according to the season, the rise and fall of the tides, likewise when the dry and rainy seasons begin and end.

To build no
large boats.

You will be furnished with a four-oared boat, and you are not on any consideration to build or to permit the building of any vessel or boat whatever that is decked, or of any boat or vessel that is not decked, whose length of keel exceeds twenty feet; and if by any accident any vessel or boat that exceeds twenty feet keel should be driven on the island, you are immediately to cause such boat or vessel to be scuttled, or otherwise rendered unserviceable, letting her remain in that state until you receive further directions from me.

Provisions for
six months.

You will be furnished with provisions for six months, within which time you will receive an additional supply, but, as you will be able to procure fish and vegetables, you are to endeavour to make the provisions you receive serve as long as possible.

The convicts being the servants of the Crown till the time for which they are sentenced is expired, their labour is to be for the public, and you are to take particular notice of their general good or bad behaviour, that they may hereafter be employed or rewarded according to their different merits.

To enforce
religious
observance.

You are to cause the prayers of the Church of England to be read with all due solemnity every Sunday, and you are to enforce a due observance of religion and good order, transmitting to me, as often as opportunity offers, a full account of your particular situation and transactions.

To prohibit
intercourse
with ships.

You are not to permit any intercourse or trade with any ships or vessels that may stop at the island, whether English or of any other nation, unless such ships or vessels are in distress, in which case you are to afford them such assistance as may be in your power.

Given under my hand, at head-quarters, in Port Jackson,
New South Wales, this 12th day of February, 1788.

ARTHUR PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch, No. 2, per transport *Alexander*, duplicate per transport *Friendship*, triplicate per store-ship *Borrowdale*; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

16 May.

My Lord, Sydney Cove, Port Jackson, May 16, 1788.

Convict
superintendents
wanted.

I have in my first letter had the honour of observing to your Lordship the great want of proper persons to superintend

the convicts. The officers who compose the detachment are not only few in number, but most of them have declined any interference with the convicts, except when they are employed for their own particular service. I requested soon after we landed that officers would occasionally encourage such as they observed diligent, and point out for punishment such as they saw idle or straggling in the woods. This was all I desired, but the officers did not understand that any interference with the convicts was expected, and that they were not sent out to do more than the duty of soldiers. The consequence must be obvious to your Lordship. Here are only convicts to attend to convicts, and who in general fear to exert any authority, and very little labour is drawn from them in a country which requires the greatest exertions. In this declaration I do not mean to include the Lieut.-Governor,* who has shown every attention that could be expected from him; and the Judge-Advocate,† acting as a Justice of the Peace, with a diligence that does him the greatest credit, they are under as good order as our present situation permits.

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16 May.

The sitting as members of the Criminal Court‡ is thought a hardship by the officers, and of which they say they were not informed before they left England. It is necessary to mention this circumstance to your Lordship, that officers coming out may know that a young colony requires something more from officers than garrison duty.

Members of
Criminal Court.

The not having the power of immediately granting lands the officers likewise feel as a hardship. They say that they shall be obliged to make their minds up as to the staying in the country or returning before they can know what the bounty of Government intends them.§

Want of power
to grant land
to officers.

As it is, my Lord, impossible for the Commissary|| to attend to the issuing of provisions without some person of confidence to assist and to be charged with the details, I have appointed the person|| who was charged with the victualling the convicts from England.

Commissariat
department.

There is likewise a very useful person who acts as Provost-Martial (the one appointed in England not having come out),¶ and who likewise superintends the different works going on.

Provost-
Martial.

Two people, who are farmers, and the clerk of the Sirius** are employed in cultivating ground, and in the store, as likewise a smith that superintends the convict smiths. As the granting these people any land would at present draw their attention from the public service, I have promised that their situation should be represented to your Lordship.

Farmers.

I have, &c.,

A. PHILLIP.

* Note 26. † Note 27. ‡ Note 28. § Note 29. || Note 30. ¶ Note 31. ** Note 32.

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GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 3, per transport Alexander, duplicate per transport Friendship, triplicate per store-ship Borrowdale; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

My Lord, Sydney Cove, N.S. Wales, May 16, 1788.

I have the honor of transmitting your Lordship copies of the proceedings of a battalion court-martial, and the letters which passed on that occasion, by which your Lordship will see the reasons assigned by the commandant of the detachment for putting the officers under arrest,* as likewise the reasons giving by the court for not altering the sentence.

Battalion court-martial being ordered by Major Ross, as Commandant of the detachment, when he judged necessary, I was not informed of the courts being under arrest till the next morning, when he came to inform me, and I used every means in my power to prevent a general court-martial, the inconveniences of which were obvious. Any accommodation being declined, I did not judge it prudent to put the guards in the charge of serjants, which must have been done to assemble the court, the number of officers capable of doing duty being but thirteen.† I therefore ordered the officers to return to their duty till a general court-martial could be assembled.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

Proceedings of a court-martial held at Port Jackson, by order of Major Ross, Commandant of the Battalion of Marines.

Captain-Lieut. Tench, President.

Members:—First Lieut. Kellow, F. Lieut. Davey, F. Lieut. Poulden, F. Lieut. Timins.

18th March, 1788.

Joseph Hunt, private of the 15th Compy., bro't to trial for striking William Dempsey, private in Captain Meredith's cy., when going to the cooking-place.

William Dempsey prosecutes, and informs the court that on Sunday evening last, as he was going to the cooking-place with a pot in his hand to boil, he saw Jane Fitzgerald, a female convict, talking to another marine. The woman (Fitzgerald) asked him how he did. He told her he was well, immediately on which the prisoner came up and struck him with a stick. On his asking Hunt the meaning of such treatment, he told him that he would let him know that he had no right to speak to any woman of his (the prisoner's) ship.‡ Thos. Jones, marine, then coming up, asked why he struck Dempsey. He directly called him a Ports-

* Note 33. † Note 34. ‡ Note 35.

mouth rascal, and told him to go directly out of his sight. On further advice from Jones to return to his tent, the prisoner at length complied.

1788.
16 May.

Battalion
Court-martial
on J. Hunt.

Thomas Jones, private of the 15th Compy., informs the court that he was standing near the cooking-place on Sunday evening, when he heard some words between the prosecutor and prisoner of an angry nature, but which he could not distinctly make out. He says that he saw no blows pass, and that after some little time Hunt went away towards his tent.

James Wedman, private of the 5th Compy., informs the court that he was at the cooking-place at the time William Dempsey came up, and that on a female convict speaking to him, the prisoner struck him on the shoulders with a small stick he had in his hand. Dempsey showed some dissatisfaction at this, upon which Hunt struck him twice on the head with his fist, and on being told by the prosecutor that he would complain of him, the prisoner said that if he pleas'd he was welcome to do so. After this Hunt went away to the encampment.

Question from the prisoner to Wedman:—Did you hear me say to Dempsey that he should not speak to a woman of the ship I came out in? Answer: I did not.

Question from the prisoner to the prosecutor:—Did I strike you with my open hand or my clench'd fist? Answer: I am not certain what it was, tho' I think rather with the open hand.

The prisoner, being put on his defence, acknowledges that he struck the prosecutor, but says that he was not in earnest in it, and did it not with the intention of hurting him. Denies having said to him that he would not allow him to speak to any woman of the ship he came out in, and submits himself to the mercy of the court. The prisoner calls on the President of the court and Lieutenants Poulden and Timins for a character, and those members are glad to have it in their power to give him the character of a good soldier.

The court was of opinion that the prisoner is guilty of the crime laid to his charge, and falls under a breach of the 18th Article of the 14th section of the Articles of War,* and do sentence him either to ask public pardon before the battalion of William Dempsey, the soldier whom he struck and injur'd, or to receive one hundred lashes on his bare back, by the drummers of the detachment, and where the commanding officer shall appoint.

WATKIN TENCH,

Capt.-Lieut. and President.

The court having met a second time, by order of the commanding officer, to reconsider the nature and extent of the crime laid

* Note 36.

1788.
16 May.
Battalion
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on J. Hunt.

to the prisoner's charge, the evidence in support of the prosecution, the prisoner's defence, and their own judgment, do not in deliberating among themselves see any cause to rescind the sentence they have already given.

WATKIN TENCH,
Capt.-Lt. Mars. and President.

[Enclosure No. 2.]

ADJUTANT LONG TO CAPTAIN-LIEUTENANT TENCH.

Sir, Camp, Port Jackson, March the 18th, 1788.

I am directed by the commanding officer to inform you that the court-martial of which you was President, and which met this morning for the tryal of Joseph Hunt, private in the 15th Compy., for striking William Dempsey, pte. in Captn. Meredith's cy., having pass'd a sentence by no means consistent with the martial law, it is therefore his orders that you convene the officers composing that court and proceed to passing a sentence without the choice of two sentences, either to the commanding officer or prisoner, and enclosed herewith you will receive the original proceedings for such alterations as you and the rest of the court may think necessary.

I am, &c.,
J. LONG, 2nd-Lieut and Adjut.

[Reply to Enclosure No. 2.]

OFFICERS' REPLY.

Sir, Port Jackson, March 18th,
4 o'clock in the afternoon.

We have had the honor of receiving your letter of this afternoon, address'd to Captn.-Lt. Tench, ordering him to convene us for the purpose of revising a second time the sentence we pass'd, after the strictest deliberation and most impartial enquiry, on Joseph Hunt, privte. in Captn. Campbell's cy., for striking Wm. Dempsey, private in Captn. Meredith's compy., and beg leave to acquaint you that we do not think ourselves authoriz'd to sit in judgment a third time in the same cause, as the latter part of the 10th Article of the Act of Parliament for the regulation of his Majesty's marine forces while on shore expressly instructs us "that no sentence given by any court-martial, and signed by the president thereof, is liable to be revised more than once."

We have, &c.,

WATKIN TENCH, Capt.-Lt. and President.

ROBT. KELLOW,	}	1st Lieuts. and Members.
JOHN POULDEN,		
THOS. DAVEY,		
THOS. TIMINS,		

[Enclosure No. 3.]

ADJUTANT LONG TO OFFICERS.

1788.
16 May.

Sir,

Camp, Port Jackson, March the 18th, 1788.

Battalion
Court-martial
on J. Hunt.

I am directed by the commanding officer to acquaint the officers composing the court that there cannot be two sentences past on a prisoner tryed for one crime, and as in their original proceedings they pass'd two sentences, leaving it to the choice of the prisoner which shall be inflicted, therefore returning those proceedings could not be a reversal, because it was not a sentence.

It is, therefore, his orders that you do immediately proceed to finish the court-martial that you were in orders for, by passing only one sentence for one crime.

I am, &c.,

J. LONG, 2nd Lieut. and Adjt.

[Reply to Enclosure No. 3.]

OFFICERS' REPLY.

Port Jackson, 18th March, 1788,

Sir,

7 o'clock in the evening.

We have been honored with your answer to our letter of this afternoon, wherein you state that the proceedings of the court-martial held this morning would not be sent back a second time by you for a reversal, because a sentence was not passed.

We now beg leave to observe to you that we could not then, or do we now, conceive it possible for us to alter a judgment which we gave after the most impartial enquiry and most mature deliberation without revising and reconsidering the nature of the crime for which the prisoner was tried, the evidence given in, and the defence—matters which we cannot think it proper or military to come again under our cognizance after we had revised them, agreeable to the latter part of the 10th Article of the Act of Parliament for the regulation of the marine forces while on shore, and the custom of the Army.

We have, &c.,

WATKIN TENCH, Capt.-Lt. and President.

ROBERT KELLOW

JOHN POULDEN,

THOS. DAVEY,

THOS. TIMINS,

} 1st Lieuts. and Members.

[Enclosure No. 4.]*

OFFICERS TO GOVERNOR PHILLIP.

Sir,

Port Jackson, 19th March, 1788.

The friendly and handsome part you have taken in endeavouring to reconcile the unfortunate difference of opinion which subsists between us, as the members of a court-martial, and Major

* Note 37.

1788.
16 May.

Battalion
Court-martial
on J. Hunt.

Ross, as commandant of the battalion of marines, demands our warmest and most respectful acknowledgments. It is not, at the same time, without pain that we state to you that we conceive the treatment we have received so violent, and our present disgraceful situation so notorious, that we cannot, without injustice to our feelings, consent to have the arrest we now suffer under taken off until a public reparation should have been made for the indignity we have been used with. We farther, sir, beg permission to say that it is our unanimous opinion, should the measure we have stated be deemed ineligible by the commanding officer, that no meeting of officers, short of the customary usage of service in like cases, can adequately and properly fix on a mode of extricating us from the ignominious condition in which we have the honour to subscribing ourselves, sir,

WATKIN TENCH.

ROBERT KELLOW.

Your most, &c.,

JOHN POULDEN.

THOS. DAVEY.

THOS. TIMINS.

[Enclosure No. 5.]

MAJOR ROSS TO GOVERNOR PHILLIP.

[In a letter to the Governor there is first a copy of the above letter (7 o'clock in the evening) and then:—]

From the above answer, finding that the court-martial seemed determined to wrest all power from the commanding officer, by passing such a sentence on the prisoner they tried as to leave it solely in his power to be punished or not, as he chose, I did not think it consistant with my duty, either to the publick or myself, to resign all authority into their hands, and give up the command of the detachment entrusted to my care,—and from their determined obstinacy I had no alternative left but the very mortifying and disagreeable one of suspending the president and members that composed the court-martial from all duty, by putting them under an arrest, which I ordered the adjutant to do for disobedience of orders, til such time as the opinion of more competent judges than either them or myself might be had thereupon.

Your Excellency will therefore please to take such steps in this disagreeable businesss as may appear to you most proper for the establishment of good order and military discipline, so indispensable and absolutely necessary in our present critical situation.

I have, &c.,

R. Ross.

[Reply to Enclosure No. 5.]

GOVERNOR PHILLIP TO MAJOR ROSS.

1788.
16 May.

Battalion
Court-martial
on J. Hunt.

Sir,

Head-quarters, 20th March, 1788.

I have this moment received yours of this day's date, informing me that you had suspended from all duty Capt.-Lieut. Tench, Lieuts. Robert Kellow, John Poulden, Thos. Davey, and Thos. Timins, by putting them under arrest for disobedience of orders, until such time as the opinion of more competent judges than either them or yourself might be had, or the sentence past by those officers, who were ordered by you to assemble on the 18th inst. for the trial of a private marine for unsoldierlike behaviour; your not approving of the sentence past by the said officers, which, by your letter, left a choice of two sentences to the prisoner, and they refusing to make any change in the sentence, which in their letter they say they had revised once, and were not at liberty to revise a second time, by the Act of Parliament past for the regulation of his Majesty's marine forces while on shore.

As there are only four captains and twelve lieutenants* in the detachment, two of which from their sickness are unable to do their duty, the having one captain and four lieutenants under arrest out of so small a number must very materially affect the service. The opinion of most competent judges, if you mean the opinion of the officers who compose the detachment, may be had without any official application to me for that purpose, if you and the officers under arrest are satisfied to leave it to their decision; and I shall be very happy if it can be immediately settled by this means, and which I hope neither you nor the officers under arrest will refuse, as I know no other alternative, if not immediately settled, but that of a general court-martial.

I have, &c.,

A. PHILLIP.

[Enclosure No. 6.]

MAJOR ROSS TO GOVERNOR PHILLIP.

Sir,

Camp, Port Jackson, 21 March, 1788.

Having found myself reduced to the most disagreeable necessity of ordering Captn.-Lieut. Watkin Tench, First Lieut. Robert Kellow, First Lieut. John Poulden, First Lieut. Thos. Davey, and First Lieut. Thos. Timins, the first as president and the others as members of a court-martial, which I ordered to assemble on the 18th for the trial of Joseph Hunt, pte. marine, and both of the detachment under my command, under an arrest for passing what they call a sentence on the prisoner tried by them of such a nature as, in my opinion, tends greatly to the

* Note 38.

1788.
16 May.

Battalion
Court-martial
on J. Hunt.

subversion of all military discipline, by passing two judgements, and thereby leaving it solely in the breast of the prisoner, after finding him guilty, whether he should or should not receive corporal punishment, and for positively refusing when directed by my order to make any alteration in the sentences they had pass'd on the above Joseph Hunt,—

I have therefore to request that you will please to order a general court-martial to assemble for the trial of the above officers for refusing to make any alteration in a sentence passed by them on the prisoner tried, which, if suffered to pass, introduces a precedent in its consequences subversive of all order and military discipline, and takes all the power of mitigation out of the hands of the commanding officer, or in any other manner that may appear to your Excellency most likely to restore harmony and support that military discipline and good order which is absolutely necessary to maintain in the present critical situation of the detachment.

I have, &c.,

R. Ross, Major.

[Enclosure No. 7.]

GENERAL ORDER.

Parole, Bengal.

Head-quarters, 22nd March, 1788.

THE major commandant of the detachment doing duty in this settlement having, by letter dated the 21st instant, reported the following officers under an arrest, viz.:—Captain-Lieutenant Watkin Tench, First Lieutenant Robert Kellow, First Lieutenant John Poulden, First Lieutenant Thos. Davey, and First Lieutenant Thomas Timins, the first as president and the others as members of a court-martial which he ordered to assemble on the 18th inst., for the trial of a private belonging to the detachment, the said court having, in his opinion, passed a sentence which tends to the subversion of all military discipline, and requesting that a general court-martial may be ordered to assemble for the trial of the aforesaid officers for refusing to make any alteration in the said sentence, or that it might be settled in any manner most likely to restore harmony and support that military discipline and good order which is so absolutely necessary to be maintained.

The officers under arrest having declined the proposal made of submitting the determination of this affair to any number of officers, and having informed the Judge-Advocate, who had orders to propose that or any other mode of settling this matter without a general court-martial, that they being put under an arrest by

the Commandant did not conceive that anything less than a legal decision by a general court-martial, or a public reparation from their commandant, would clear their characters.

1788.
16 May.

Battalion
Court-martial
on J. Hunt.

The service does not at this moment permit a general court-martial to be assembled, the officers composing the detachment (exclusive of the five officers under arrest) being no more than three captains and eleven subalterns,* one of which is confined to his bed by sickness, which reduces the number of officers in this settlement eligible to sit on this occasion to thirteen, consequently not leaving any one officer for duty. It is therefore ordered that the minutes of the trial of the aforesaid private soldier, with the letters that have passed on the occasion between the court and the commandant of the detachment, be delivered to the Judge-Advocate, that when the service permits by there being a sufficient number of officers to form a general court-martial, and for the necessary duty of the camp, a general court-martial may be then held on the said Capt.-Lt. Watkin Tench, First Lt. Robt. Kellow, First Lt. John Poulden, First Lt. Thos. Davey, and First Lt. Thos. Timins, if such general court-martial shall be then required by either of the parties.

The officers now under arrest to return to their duty.

GEO. JOHNSTON,† Adjut. of Orders.

A true copy from the original.

DAVID COLLINS, Judge-Advocate.

[Enclosure No. 8.]

DECLARATION OF OFFICERS.

WE are put under an arrest by the commanding officer for disobedience of his orders. We are now ordered out of it, and whenever Major Ross shall think proper to bring the merits or demerits of our conduct to a legal decision we are ready to meet the charge, and we once more repeat that a general court-martial only can bring the matter to a proper issue.

WATKIN TENCH, Cap.-Lt. of Mars.

ROBERT KELLOW, 1st Lt.

JOHN POULDEN, 1st Lt.

THOS. DAVEY, 1st Lt.

THOS. TIMINS, 1st Lt.

UNDER SECRETARY NEPEAN TO GOVERNOR PHILLIP.

2nd June, 1788.

2 June.

[A copy of this despatch has not yet been found. It was a covering letter to the Estimates submitted for the financial year

* Note 38. † Note 39.

1788.
2 June.

1788-1789, and was acknowledged by Governor Phillip on 14th June, 1790, after its receipt per transport Lady Juliana on 3rd June, 1790.]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per transport Alexander, duplicate per transport Friendship; acknowledged by Under Secretary Nepean, 20th June, 1789.)

Sydney Cove, Port Jackson,

Dear Sir,

July the 5th, 1788.

5 July.

Having, pursuant to the instructions I received from the Right Honourable the Lord Sydney, ordered the Commissary to purchase a sufficient quantity of spirits at Rio de Janeiro to serve the garrison for three years from the time of their landing, the same is issued according to the instructions; but the soldiers' wives soon after landing being sickly, and the surgeon judging that a small quantity of spirits would be of service, I then ordered the Commissary to issue to each soldier's wife half the proportion of spirits allowed the husbands—that is, one-quarter of a pint per day, on condition that the quantity so issued should be hereafter stop'd from the husbands' allowance if not approved of.

Spirits issued
as medicine.

Rations.

The same ration is settled by the Navy Board for the detachment as for the convicts, and is as follows, viz.:—

Rations for seven days successively for each marine and male convict—

Seven pounds of bread, or, in lieu thereof, seven pounds of flour.

Seven pounds of beef, or, in lieu thereof, four pounds of pork; three pints of pease; six ounces of butter; one pound of flour, or, in lieu thereof, half a pound of rice.

I am informed that seven pounds of pork is given to the soldiers in the settlement when they are served pork, and not four pounds of pork in lieu of seven pounds of beef; and here, as is the custom of the Navy, the eighth is deducted.

You will, sir, be so good as to explain the intent of Government on this head. The eighth is stopped for the benefit of the Crown, and to make up for the loss in serving in small quantities. The Commissary, of course, has not any advantage from the provisions.

Orders
ambiguous;

The one pound of flour is not clearly understood. If intended to be given weekly, as is done, or if it was intended to be given in lieu of pease, which from the manner of wording the order from the Navy Board does not appear to have been the intention

of Government. If it is not the intention of Government that the eighth should be stopped, I have promised that they should be repaid when the Right Honourable the Lords Commissioners of his Majesty's Treasury have signified their pleasure thereon.

1788.
5 July.

Every possible attention will be given to the cultivation of the flax-plant when circumstances permit, and on our first arrival in this port it was frequently met with; but when I judged the seed to be ripe, and ordered it to be collected, very little was found, and none in those places where it had been seen in any quantity, which I impute to the natives pulling up the plant when in flower to make their fishing-lines. A few plants have been collected, and which are sent home under the care of the agent of the transports.

Cultivation of flax.

Sheep do not thrive in this country at present, but as many cows with one or two young bulls as the ships intended for this settlement that touch at the Cape can receive on board will, I hope, be ordered, as likewise seeds and a few quarters of wheat, barley, and Indian corn.

Cattle required.

Cloathing for the natives, if sent out, will, I daresay, be very acceptable to them when they come amongst us. I should recommend long frocks and jackets only, which will equally serve both men and women.

Clothing for natives.

A great part of the cloathing I have, sir, already observed* was very bad, and a great part of it was likewise too small for people of common size. If some coarse blankets were to be sent out they would greatly contribute to preserve the health of the convicts.

In addition to the frocks and jackets for the natives, good house carpenters' axes, hats, hooks, and lines will be the most beneficial, as well as most acceptable, to the natives.

Presents for natives.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 4, per transport Alexander, duplicate per transport Friendship, triplicate per store-ship Borrowdale; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

Sydney Cove, New South Wales,

My Lord,

July the 9th, 1788.

9 July.

I have had the honor of informing your Lordship of the situation of this colony prior to the 15th of May, since which two stores have been finished, and the ships are now landing the remainder of the stores and provisions.

Public stores completed.

* Note 40.

1788.
9 July.

Officers
returning on
sick leave.

The commandant of the detachment, having enclosed letters from First Lieutenant James Maxwell and Second Lieutenant William Collins, and desired that their requests to return to Europe might be complied with, if their state of health was found by the surgeon to be as represented, and the surgeon having reported First Lieutenant Maxwell as incapable of duty, from a defect in his sight, and Second Lieutenant Collins to be so debilitated in state from a long illness that his life depends on his returning to Europe, these officers have my leave; and Lieutenant Collins is charged with the despatches for your Lordship. Lieutenant Dawes,* who came out as a lieutenant of marines on board the Sirius, replaces one of these officers.

Marines'
quarters

The hutting the battalion is still going on, and though from seventy to one hundred convicts have been almost constantly employed assisting in this business, it will not, I apprehend, be finished before the end of July†; and every day proves the necessity of proper persons being sent out to superintend the convicts. If a small number of carpenters and bricklayers are sent out with proper people, who are capable of superintending the convicts, they will soon be rendered serviceable to the State, and without which they will remain for years a burden to Government. Numbers of them have been brought up from their infancy in such indolence that they would starve if left to themselves; and many (their numbers now exceed fifty), from old age and disorders which are incurable, and with which they were sent from England, are incapable of any kind of work.

Periodical
supplies
necessary.

Thus situated, your Lordship will excuse my observing a second time‡ that a regular supply of provisions from England will be absolutely necessary for four or five years, as the crops for two years to come cannot be depended on for more than what will be necessary for seed, and what the Sirius may procure can only be to breed from. Should necessity oblige us to make use of what that ship may be able to procure, I do not apprehend that the live stock she will bring in twelve months will be more than a month's provision for the colony; and the Supply is totally unfit for a service of this kind.

Failure to
obtain turtle.

Lieutenant Ball returned the 25th§ from Lord Howe Island, where I had sent him in hopes he would have been able to procure some turtle for the sick, but the weather was bad, and that island, not having any good water, will not be of any service to us, for Lieutenant Ball did not see any turtle, nor does he suppose they were bred there. The transports that sailed for China|| had my directions not to go to that island, but they all appeared there before the Supply left it, and one was near being lost.

* Note 41. † Note 42. ‡ Note 43. § Note 44. || Note 45.

The store-ships and transports, as cleared, are ordered to prepare to return to England immediately, but some of their sheathing being much destroyed by the worms, it is necessary to permit several of those ships to heave down. 1788.
9 July.
Shipping.

One of the convicts who, in searching for vegetables, had gone a considerable distance from the camp, returned very dangerously wounded in the back by a spear. He denies having given the natives any provocation, and says that he saw them carrying away a man that had gone out for the same purpose, and who they had wounded on the head. A shirt and hat, both pierced with spears, have been since found in one of the natives' huts, but no intelligence can be got of the man, and I have not any doubt but that the natives have killed him, nor have I the least doubt of the convicts being the aggressors. Eleven male and one female convicts have been missing since we landed. A bull calf has likewise been wounded by a spear, and two goats have been killed by some of our own people, the skin of one being found where the natives never appear, so that the little stock we now have is likely to decrease; and though robberies are punished with severity, there is not a week passes but there are people who lose their provisions and cloaths, which in our present situation it is impossible to prevent. A convict speared.

Stock speared.

I should hope that few convicts will be sent out this year or the next, unless they are artificers, and after what I have had the honour of observing to your Lordship I make no doubt but proper people will be sent to superintend them.* The ships that bring out convicts should have at least the two years' provisions on board to land with them, for the putting the convicts on board some ships and the provisions that were to support them in others, as was done, I beg leave to observe, much against my intimation, must have been fatal if the ship carrying the provisions had been lost. Artificer convicts wanted.

I have the honour to enclose your Lordship the intended plan for the town.† The Lieutenant-Governor has already begun a small house, which forms one corner of the parade, and I am building a small cottage on the east side of the cove, where I shall remain for the present with part of the convicts and an officer's guard. The convicts on both sides are distributed in huts, which are built only for immediate shelter. On the point of land which forms the west side of the cove an Observatory is building, under the direction of Lieutenant Dawes, who is charged by the Board of Longitude with observing the expected comet.‡ The temporary buildings are marked in black; those intended to remain, in red. We now make very good bricks, and Plan of Sydney.

* Note 46. † Note 47. ‡ Note 48.

1788.

9 July.

Plan of Sydney.

the stone is good, but do not find either limestone or chalk. As stores and other buildings will be begun in the course of a few months, some regular plan for the town was necessary, and in laying out of which I have endeavoured to place all public buildings in situations that will be eligible hereafter, and to give a sufficient share of ground for the stores, hospitals, &c., to be enlarged, as may be necessary in the future. The principal streets are placed so as to admit a free circulation of air, and are two hundred feet wide. The ground marked for Government House is intended to include the main guard, Civil and Criminal Courts, and as the ground that runs to the southward is nearly level, and a very good situation for buildings, streets will be laid out in such a manner as to afford a free air, and when the houses are to be built, if it meets with your Lordship's approbation, the land will be granted with a clause that will ever prevent more than one house being built on the allotment, which will be sixty feet in front and 150 feet in depth. This will preserve uniformity in the buildings, prevent narrow streets, and the many inconveniences which the increase of inhabitants would otherwise occasion hereafter. The hospital is a building that will stand for some years. It is clear of the town, and the situation is healthy.* The barracks and huts now building for the officers and men will stand three or four years. If water could be found by sinking wells on the high ground between the town and the hospital, I proposed building the barracks on that spot, and surrounding them with such works as we may be able to make, and which I did intend beginning as soon as the transports were cleared and the men hutted; but I now find that without some additional workmen the progress must be so very slow that that design is laid aside, and the only building I shall attempt will be a store-house. That will be secure, those we have already built being not only in danger from fire, from being thatched, but of material that will not stand more than two years. The barracks, and all buildings in future, will be covered with shingles, which we now make from a tree like the pine-tree in appearance, the wood resembling the English oak.

The 30th of May two men employed collecting thatch at some distance from the camp were found dead; one of them had four spears in him, one of which had passed through his body; the other was found at some distance dead, but without any apparent injury. This was a very unfortunate circumstance, and the more, as it will be impossible to discover the people who committed the murder, and I am still persuaded the natives were not the aggressors. These men had been seen with one of their canoes, but I was not informed of that circumstance for some days.

Murders by
natives.

Though I did not mean to punish any of the natives for killing these people, which, it is more than probable, they did in their own defence, or in defending their canoes, I wished to see them, and as they had carried away the rushcutters' tools, I thought they might be found out, and some explanation take place, for which purpose I went out with a small party the next day, and landed where the men were killed; but after traversing the country more than twenty miles we got to the north shore of Botany Bay without meeting any of the natives. There we saw about twenty canoes fishing. It was then sunset, and as we made our fires and slept on the beach I did not doubt but some of them would join us, but not one appeared; and the next morning, tho' fifty canoes were drawn up on the beach, we could not find a single person; but on our return, keeping for some time near the sea-coast, we came to a cove where a number of the natives were assembled, I believe more than what belonged to that particular spot. Though we were within ten yards when we first discovered each other, I had barely time to order the party to halt before numbers appeared in arms, and the foremost of them, as he advanced, made signs for us to retire, but upon my going up to him, making signs of friendship, he gave his spear to another, and in less than three minutes we were surrounded by two hundred and twelve men, numbers of women and children were at a small distance, and whether by their superiority of numbers, for we were only twelve, or from their not being accustomed to act with treachery, the moment the friendship I offered was accepted on their side they joined us, most of them laying down their spears and stone hatchets with the greatest confidence, and afterwards brought down some of their women to receive the little articles we had to give them. I saw nothing to induce me to believe these people had been concerned in the murder which had been committed. We parted on friendly terms, and I was now more than ever convinced of the necessity of placing a confidence in these people as the only means of avoiding a dispute. Had I gone up to them with all the party, though only twelve, or hesitated a moment, a lance would have been thrown, and it would have been impossible to have avoided a dispute.

1788.
9 July.

Explanations
sought.

Phillip's
treatment of
natives.

Here we saw the finest stream of fresh water I have seen in this country, but the cove is open to the sea. When the natives saw we were going on towards the next cove, one of them, an old man, made signs to let him go first, and as soon as we were at the top of the hill he called out, holding up both his hands (a sign of friendship) to the people in the next cove, giving them to understand that we were friends; we did not go to that cove, but saw

Friendly
natives.

1788.
9 July.

about forty men; so that, unless these people had assembled on some particular occasion, the inhabitants are still more numerous than I had imagined. I have before had the honor of observing to your Lordship that we had traced the natives thirty miles inland, and this morning, in crossing the hills between Botany Bay and Port Jackson, we saw smoke on the top of Landsdowne Hills, so that I think there cannot be any doubt of there being inhabitants fifty miles inland.

The King's
birthday.

His Majesty's birthday was observed with every possible mark of attention our situation permitted. The three men that had been reprieved from death,* in order to be exiled, were fully pardoned, and for the twenty-four hours I believe there was not one heavy heart in this part of his Majesty's dominions.

Cattle lost.

If we had been unfortunate in our live stock in general, I had the satisfaction of seeing the cows and horses thrive; but the man who attended the former, having left them for a short time, they strayed and were lost.† The loss of four cows and two bulls will not easily be repaired. Pardon, my Lord, these tedious relations of robberies and losses; it is the only means I have of giving your Lordship a faint idea of the situation in which I am placed. Of the live stock purchased at the Cape, part died on the passage, and the greatest part of what remained since landing.

Having reason to believe that one of the natives had been murdered and several wounded, which, it is probable, occasioned the attack on the ruseutter, I have promised to emancipate any convict that will discover the aggressors; it will, I hope, at least prevent anything of this kind in future.

An absconder's
story.

A convict who had committed a robbery, and absconded the 5th of June, returned the 24th, almost starved; he found it impossible to subsist in the woods. One of the natives gave him a fish, but then made signs for him to go away. He says he afterwards joined a party of the natives, who would have burned him, but that he got away from them, and that he saw the remains of a human body on the fire. In the woods he saw four of the natives who were dying, and who made signs for food. This man was tried, pleaded guilty, and suffered with another convict. He persisted in the story respecting the natives intending to burn him, and I now believe they find the procuring a subsistence very difficult, for little fish is caught.

An earthquake

The 22nd of this month (June) we had a slight shock of an earthquake; it did not last more than two or three seconds. I felt the ground shake under me, and heard a noise that came from the southward, which I at first took for the report of guns fired at a great distance.

* Note 50. † Note 51.

Four ships are now clear, and preparing to sail the first week in July,* a fifth will be clear in a few days, if the heavy rains we have had these two days will cease, and will sail with them. The store-ship that has the spirits on board must remain some time longer. I hope to send her away by the middle of August.

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Shipping.

Tho' we have had heavy rains at the change of the moon, this cannot be called a rainy season. The climate is a very fine one, and the country will, I make no doubt, when the woods are cleared away, be as healthy as any in the world, but is, I believe, subject to violent storms of thunder and lightning. Soon after we landed, several trees were fired by the lightning, and several sheep and hogs killed in the camp.

Climate.

Of the convicts, 36 men and 4 women died on the passage, 20 men and 8 women since landing—eleven men and one woman absconded; four have been executed, and three killed by the natives. The number of convicts now employed in erecting the necessary buildings and cultivating the lands only amounts to 320—and the whole number of people victualled amounts to 966†—consequently we have only the labour of a part to provide for the whole.

Census
statistics.

Your Lordship will doubtless see the necessity of employing a considerable force in the country, and I presume an addition of five hundred men will be absolutely requisite to enable me to detach three or four companys to the more open country near the head of the harbour.

I could have wished to have given your Lordship a more pleasing account of our present situation; and am persuaded I shall have that satisfaction hereafter; nor do I doubt but that this country will prove the most valuable acquisition Great Britain ever made; at the same time no country offers less assistance to the first settlers than this does; nor do I think any country could be more disadvantageously placed with respect to support from the mother country, on which, for a few years we must entirely depend.

Value of
colony.

The heavy rains have prevented the provisions and stores being landed so soon as I expected. It is now the 9th July,* and the ships sail the 12th. Duplicates and triplicates of my despatches to your Lordship go by these ships, and I have the honor of enclosing your Lordship the returns of the detachment and of the sick; the necessary demands for the hospital, &c., are sent to the Under Secretaries of State.

I have, &c.,
A. PHILLIP.

* Note 42.

† Note 52.

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Stock returns.

[Enclosure No. 1.]
AN Account of Live Stock in the Settlement, May 1st, 1788.

To whom belonging.	Stallions.	Mares.	Colts.	Bulls.	Cows.	Sheep.	Goats.	Hogs.	Pigs.	Rabbits.	Turkeys.	Geese.	Ducks.	Fowls.	Chickens.
Government	1	2	...	2	2	1 ram 12 ewes	1	1 boar 19 sows	...	...	...	...	...	...	...
Governor .....	...	1	3	...	2	3 wethers 1 ewe 1 lamb	...	10	...	3	5	8	17	22	...
Lieut.-Governor..	...	...	...	...	...	.....	1	1	7	...	5	6	4	9	...
Officers and men belonging to the detachment ...	...	...	...	...	1	.....	12	10	17	2	6	9	8	55	25
Staff .....	...	...	...	...	...	11	5	7	1	...	2	6	6	36	62
Other individuals	...	...	...	...	...	.....	...	...	1	...	...	...	...	...	...
Total	1	3	3	2	5	29	19	49	25	5	18	29	35	122	87

Since the 1st of May, three sheep dead, and the cows and bulls lost.
ANDREW MILLER, Commissary.

Returns of
company of
marines.

[Enclosure No. 2.]
THE MARINES.
GENERAL Return of the four Companies of Marines doing duty in
the Settlement in New South Wales, July the 9th, 1788.

	Major- Commandant.	Captains.	Captain- Lieutenant.	First Lieutenant.	Second Lieutenant.	Adjutant.	Qu'r-master.	Judge- Advocate.	Serjeants.	Corporals.	Drummers.	Privates.
Present—												
Fit for duty	1	2	2	6	2	1	1	1	10	12	7	139
Unfit for duty .....	...	...	...	1	...	...	...	...	2	...	1	21
Adjutant of orders and Officer of engineers .....	...	...	...	1	1	...	...	...	...	...	...	...
Absent—												
On command .....	...	...	...	...	...	...	...	...	...	...	...	...
With leave .....	...	...	...	...	...	...	...	...	...	...	...	...
Without leave .....	...	...	...	...	...	...	...	...	...	...	...	...
In gaols .....	...	...	...	...	...	...	...	...	...	...	...	...
Wanting to complete .....	...	...	...	...	1	...	...	...	...	...	...	...
Total	1	2	2	8	4	1	1	1	12	12	8	160
Alteration since last return—												
Joined the detachment .....	...	...	...	...	1	...	...	...	...	...	...	4
Discharged .....	...	...	...	1	1	...	...	...	...	...	...	3
Dead .....	...	...	...	...	...	...	...	...	1	...	...	...
Deserted .....	...	...	...	...	...	...	...	...	...	...	...	...
Promoted to serjeants .....	...	...	...	...	...	...	...	...	...	...	...	...
„ corporals .....	...	...	...	...	...	...	...	...	...	...	...	...
Reduced .....	...	...	...	...	...	...	...	...	...	...	...	...
Drummers made privates .....	...	...	...	...	...	...	...	...	...	...	...	...
Privates made drummers .....	...	...	...	...	...	...	...	...	...	...	...	...

N.B.—John Ross,* volunteer, doing duty without pay.
R. Ross, Major.
* Note 53.

RETURN of the Officers.

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Officers' Names.	Present.		Doing duty at Head-quarters.		Absent.		
	Doing duty in the detachment.	Unfit for duty.	Adjutant of Orders.	Officer of Engineers.	On command.	With leave.	Without leave.
Major-Commandant, Robert Ross.....	1	...	...	...	...	...	...
Captains—							
James Campbell	1	...	...	...	...	...	...
John Shea	1	...	...	...	...	...	...
Capt.-Lieutenants—							
James Meredith	1	...	...	...	...	...	...
Watkin Tench	1	...	...	...	...	...	...
First Lieutenants—							
George Johnstone .....	...	...	1	...	...	...	...
John Creswell	1	...	...	...	...	...	...
Robert Kellow	1	...	...	...	...	...	...
John Poulden	1	...	...	...	...	...	...
John Johnstone	1	...	...	...	...	...	...
James Maitland Shairp	1	...	...	...	...	...	...
Thomas Davey .....	...	1*	...	...	...	...	...
Thomas Timins	1	...	...	...	...	...	...
Second Lieutenants—							
Ralph Clarke	1	...	...	...	...	...	...
William Dawes .....	...	...	...	1	...	...	...
William Faddy	1	...	...	...	...	...	...
Adjutant, Second Lieutenant, John Long...	1	...	...	...	...	...	...
Q'r-master, First Lieutenant, James Furzer	1	...	...	...	...	...	...
Judge-Advocate, David Collins	1	...	...	...	...	...	...

*Sick.

R. Ross, Major.

[Enclosure No. 3.]

A RETURN of Sick, &c., June 30, 1788:—

Marines sick in the hospital	4
Convalescents in ditto	2
Marines sick in camp	18
Convalescents in ditto	6
Wives and children of marines sick in ditto	6
Total belonging to the battalion under medical treatment ...	36
Of marines dead from the time of embarkation to landing	1
Women ditto	1
Children ditto	1
Marines dead since landing	3
Women ditto	0
Children ditto	2
Total dead from the time of embarkation to the present date	8

Medical
returns.

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A RETURN of Sick, &c.,—*continued.*

Convicts sick in the hospital	20
Convalescents in ditto	4
Convicts sick in camp	26
Convalescents in ditto	16
Total of convicts under medical treatment	66
Male convicts dead from the time of embarkation to landing	36
Female convicts ditto	4
Convicts' children ditto	5
	45
Male convicts dead since landing	20
Female ditto	8
Convicts' children ditto	8
Total dead from the time of embarkation to the present date	81
Convicts unfit for labour from old age, infirmities, &c.	52

JOHN WHITE, Surgeon.

Sydney Cove, Port Jackson.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(A private letter; acknowledged by Under Secretary Nepean, 20th June, 1789.)

My Dear Sir, Sydney Cove, July the 9th, 1788.

You will see by my letters to Lord Sydney that this colony must for some years depend on supplies from England.

The Sirius will be sent to the northward for live stock as soon as we can spare her carpenters; and from what Monsieur La Perouse said to Captain Hunter, one of the Iles des Navigateurs is the most likely to furnish us with what we want. But though these islands supply two or three ships very abundantly, they will afford but very little towards the support of this colony, the situation of which I have particularly pointed out in my letter to Lord Sydney, and which I shall recapitulate in this, as the ship by which I now write may arrive before either of those that have my despatches on board.*

The Lieutenant-Governor has about four acres of land in cultivation. I have from eight to ten in wheat and barley. The officers will be able to raise sufficient to support the little live

Live stock to
be procured.

Land in
cultivation.

* Note 54.

stock they have, and which is all that can be expected from them. All the corn raised this year and the next will be saved for seed, and if necessity should oblige us to use it it would be only a few days' support for the colony; and from the rats and other vermin the crops are very uncertain.

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This country is subject to very heavy storms of thunder and lightning, several trees having been set on fire and some sheep and dogs killed in the camp since we landed. Climate.

All the provisions we have to depend on until supplies arrive from England are in two wooden buildings, which are thatched. I am sensible of the risk, but have no remedy. Storehouses
unsafe.

The greatest part of the stock brought from the Cape is dead, and from the inattention of the men who had the care of the cattle, those belonging to Government and two cows belonging to myself are lost. As they have been missing three weeks, it is probable they are killed by the natives. All my sheep are dead, and a few only remain of those purchased for Government. The loss of four cows and two bulls falls very heavy.* The horses do very well. Report on
live stock.

With respect to any resources that the Cape of Good Hope might afford, I have only to observe that the strong westerly winds that prevailed all the year between that Cape and the southern extremity of this country would render a passage to the Cape very tedious if attempted to the southward, and little less so if ships go to the northward. Batavia and our own settlements are at a great distance, and when the transports are sailed I shall have only the Sirius to employ on a service of this kind; and as I should not think myself at liberty to send either to the Cape or the East Indies unless in a case of the greatest necessity, it would in all probability then be too late. I mention these circumstances just to show the real situation of the colony, and I make no doubt but that supplies will arrive in time, and on which alone I depend. The provisions sent to support this colony for two years being put on board three ships was running a very great risk, for had they separated and afterwards been lost the consequence is obvious, for this country at present does not furnish the smallest resource except in fish, and which has lately been so scarce that the natives find great difficulty in supporting themselves. Any accident of this kind will be guarded against, of course; and soldiers or convicts when sent out will be put on board the ships with provisions to serve them for two years after they land; and in our present situation I hope few convicts will be sent out for one year at least, except carpenters, masons, and bricklayers, or farmers, who can support themselves and assist in Difficulties to
be avoided.

* Note 51.

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supporting others. Numbers of those now here are a burthen and incapable of any kind of hard labour, and, unfortunately, we have not proper people to keep those to their labour who are capable of being made useful.

Conduct of
marine officers.

Officers decline the least interference with the convicts, unless when they are immediately employed for their (the officers) own conveniency, or when they are called out at the head of their men: the saying of a few words to encourage the diligent when they saw them at work, and the pointing out the idle when they could do it without going out of their way, was all that was desired. The convicts were then employed clearing the ground on which the officers were encamped, and this they refused; they did not suppose that they were sent out to do more than garrison duty, and these gentlemen (that is, the majority of the officers) think the being obliged to sit as members of the Criminal Court an hardship, and for which they are not paid, and likely think themselves hardly dealt by, in that Government had not determined what lands were to be given them.* But I presume an additional force will be sent out when the necessity of making detachments in order to cultivate lands in the more open country is known, and from four to six hundred men will, I think, be absolutely necessary.

Trained farmers
wanted.

If fifty farmers were sent out with their families they would do more in one year in rendering this colony independent of the mother country, *as to provisions*, than a thousand convicts. There is some clear land, which is intended to be cultivated, at some distance from the camp, and I intended to send out convicts for that purpose, under the direction of a person that was going to India in the Charlotte, transport, but who remained to settle in this country, and has been brought up a farmer, but several of the convicts (three) having been lately killed by the natives, I am obliged to defer it untill a detachment can be made.

Native
population.

The natives are far more numerous than they were supposed to be. I think they cannot be less than fifteen hundred in Botany Bay, Port Jackson, and Broken Bay, including the intermediate coast. I have traced thirty miles inland† and the having lately seen smoke on Landsdown Hills, which are fifty miles inland, I think leaves no doubt but that there are inhabitants in the interior parts of the country.

Stores
required.

Lists of what articles are most wanted will be sent by the Commissary; and I am very sorry to say that not only a great part of the cloathing, particularly the women's, is very bad, but most of the axes, spades, and shovels the worst that ever were

* Note 29. † Note 55.

seen. The provision is as good. Of the seeds and corn sent from England part has been destroyed by the weevil; the rest in very good order.

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9 July.

The person I have appointed Provost-Marshall* is likewise very useful in superintending the carpentry; the person sent out by the contractor, who assists the Commissary in the delivery of provisions, one that was clerk of the Sirius, a master smith, and two farmers are very useful people,† and I beg leave to recommend them to Government. The granting them lands would draw their attention from their present occupations.

Appointments.

We had a slight shock of an earthquake in the afternoon of the 22nd [June]; it lasted between two and three seconds, and was attended with a noise like the report of very distant cannon, which came from the southward.

Earthquake.

The Fishburn, store-ship, is detained until a proper place can be provided for the spirits; and the rains have for some days prevented the landing the remainder of the provisions from the Golden Grove; therefore those two ships will sail together, I hope, by the end of August; the other ships have all cleared, and preparing to sail.

Shipping

The masters of the transports having left with the agents the bonds and whatever papers they received that related to the convicts, I have no account of the time for which the convicts are sentenced, or the dates of their convictions‡ some of them, by their own account, have little more than a year to remain, and, I am told, will apply for permission to return to England, or to go to India, in such ships as may be willing to receive them. If lands are granted them, Government will be obliged to support them for two years; and it is more than probable that one-half of them, after that time is expired, will still want support. Until I receive instructions on this head, of course none will be permitted to leave the settlement; but if, when the time for which they are sentenced expires, the most abandoned and useless were permitted to go to China, in any ships that may stop here, it would be a great advantage to the settlement.

Convict indent papers.

The weather is now unsettled, and heavy rains fall frequently, but the climate is certainly a very fine one, but the nights are very cold, and I frequently find a difference of thirty-three degrees in my chamber between 8 o'clock in the morning and 2 o'clock in the afternoon, though the sun does not reach the thermometer, which is at the west end of my canvass house.§

Climate.

A convict who fled to the woods after committing a robbery returned after being absent eighteen days, forced in by hunger; he had got some small support from the people, and the few fish

* Note 31. † Note 56. ‡ Note 4. § Note 22.

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Proposed
exploration.

Value of
colony.

left by accident on the beach after hauling the seine, and had endeavoured to live amongst the natives, but they could give him but little assistance; he says they are now greatly distressed for food, and that he saw several dying with hunger. It is possible that some of the natives at this time of the year might find it easier to support themselves on birds, and such animals as shelter themselves in the hollow trees, than on fish; but then, I think, they would not go to the top of the mountains, where at present it must be very cold. I intend going to Landsdown or Carmarthen Hills as soon as the weather permits, if it is possible, and which will explain what is at present a mystery to me, how people who have not the least idea of cultivation can maintain themselves in the interior parts of this country. When I went to the westward, in hopes of being able to reach the mountains, we carried six days' provisions, and proceeded five days to the westward; returning we were very short of provisions, and our guns only procured us two scanty meals.

I shall now conclude with saying that I have no doubt but that the country will hereafter prove a most valuable acquisition to Great Britain, though at present no country can afford less support to the first settlers, or be more disadvantageously placed for receiving support from the mother country, on which it must for a time depend. It will require patience and perseverance, neither of which will, I hope, be wanting on the part of

Dear Sir, Yours, &c.,

A. PHILLIP.

County of
Cumberland.

His Majesty's Commission, with that for establishing the Courts of Civil and Criminal Judicature, were read soon after landing,* and as it is necessary in Public Acts to name the county, I named it Cumberland, and fixed its boundaries by Carmarthen and Landsdown Hills to the westward, by the northern parts of Broken Bay to the northward, and by the southernmost part of Botany Bay to the southward.

I have enclosed copies of a letter I have received from the surgeon, reporting the state of the hospital and the great necessity of *blankets* and *sheets*, as well as sugar, and those articles coming under the denomination of necessaries, and the want of which is equally felt by the marines and convicts.

The number of marines now under medical treatment	36
Convicts	66
Unfit for labour from old age and infirmities	52

* Note 57.

[Enclosure No. 1.]

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A LIST of Articles most wanted in the Settlement.

House carpenters' axes	Iron in bars
Chalk-lines (none sent out)	Steel in ditto
Felling-axes	Armourers' tools (none sent out)
Cross-cut saws	Gunpowder, musquet balls and paper
Pit saws	for the use of the garrison (none sent out)
Saw setts	Strong double tin plates
Files for cross-cut and pit saws (a considerable number, as they soon wear out)	Stonemasons' tools
Gimlets, augers, chissels and gouges	Trowels for bricklayers
Iron pots of 3, 4, and 5 gallons (much wanted at this time)	Glass, not less than 10 inches by 8
Billhooks	Fifteen puncheons of red wine, for the use of the hospital
Scyths and reap-hooks	Hooks and fishing lines for the natives
Nails, mostly of 18, 20, and 24 penny	Cloathing for the men and women convicts, with a large proportion of shoes
Nails (spike), brads	Long frocks and strong jackets for the natives
Sheet and pig lead	Soldiers' blankets for the convicts
Swan and buck shot	Twelve turn-over carts
White and red paint	Wheel-barrows
Oil for ditto	Four timber carriages
Canvas, No. 3, 6 bolts	Blacksmiths' hammers
" " 4, "	Carpenters' ditto
" " 6, 8 "	Turkey stones for the carpenters' tools (none sent out)
" " 7, "	Rope, of 1½ inch, 1 coil
" " 8, 6 "	" 1 " "
Twine, one hundred weight	
Sail needles	
Copper nails for repairing boats	

ANDW. MILLER,
Commissary.

9th July, 1788.

[Enclosure No. 2.]

SURGEON WHITE* TO GOVERNOR PHILLIP.

Sydney Cove, Port Jackson,

Sir, July the 4th, 1788.

Among the troops, their wives and children, as well as among the convicts who have been ill, the want of necessaries to aid the operation of medicine has been most materially and sensibly felt. My duty leads me to mention this circumstance to your Excellency in order that you may use such means for their procurement as may seem most expedient.

For your Excellency's information I have taken the liberty to insert the articles in the margin† which come under the head of necessaries, to which I beg leave to add blankets and sheets for the hospital, none of which are in the colony, altho' they are essential and absolutely necessary. The want of them makes

* Note 58.

† Sugar, sago, barley, rice, oatmeal, currants, spices, vinegar, portable soup, tamarinds.

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that observance and attention to cleanliness (a circumstance which among sick persons cannot be too much inculcated or attended to), utterly impossible. With respect to necessaries, our situation here, constantly living on salt provisions without any possibility of a change, makes them more necessary than perhaps in any other quarter of the globe. I have, &c.,

JOHN WHITE, Surgeon.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.*

(Per transport Alexander, duplicate per transport Friendship.)

Sydney Cove, New South Wales,

10 July.

Sir,

July 10th, 1788.

You will please to inform the Right Honorable the Lords Commissioners of the Admiralty that I sailed from the Cape of Good Hope with the ships under my command the 12th of November, leaving my despatches for their Lordships with Captain Cox, who was at the Cape on his way to Europe from India.

Division of
fleet.

The wind continuing southerly for some days after we sailed, it was the 23rd before we past the Cape, and the 25th being eighty leagues to the eastward of it, then having strong westerly winds, I left the Sirius and went on board the Supply, armed tender, in order to precede the transports, in hopes of gaining a sufficient time to examine Botany Bay, and fix on the most eligible situation for the colony; at the same time I named Lieutenant Shortland,† the agent for the transports, who was on board the Alexander, to follow with that ship, the Scarborough, and Friendship. They sailed better than the other transports, and I wished to make some preparation for landing the stores and provisions, which the convicts on board those ships would enable me to do, if they arrived soon after the Supply, and before the other ships, as I had reason to expect. Captain Hunter, in the Sirius, was left with the rest of the transports. This was the first separation that had taken place since we left England, and the ships were then all very healthy. The strong westerly wind continued, shifting regularly from the N.W. to the S.W. quarter, and then backing round to the northward, very seldom coming to the eastward, and then for a few hours only, untill the 3rd of January, when we saw the southern extremity of New South Wales. The westerly winds now left us, and we had variable winds with southerly currents until the 18th, when we anchored in Botany Bay. The Alexander, Scarborough, and Friendship

Australian
coast sighted.

Arrival at
Botany Bay.

* Note 59. † Note 9.

came in the next day, and the Sirius, with the rest of the ships, the day following. These ships had all continued very healthy.*

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10 July.

* * * * *
Major Ross having, by letters of the 8th and 10th of May, requested that the surgeons might be ordered to examine into the state of health of First Lieutenant James Maxwell, who had not done any duty for some months, on account of a defection in his sight, and of Second Lieutenant William Collins, who from a very long and severe illness was in so weak a state that there were no hopes of his recovery in this country, an order was given to the principal surgeon of the garrison and the surgeon of his Majesty's ship Sirius to enquire into the same, who have given it as their opinion that the recovery of these officers depended on their return to Europe, they have my leave; the report of the surgeons is enclosed for their Lordship's information.

Officers
invalided
to England.

As Major Ross will inform their Lordships of the particulars respecting the detachment of marines under his command, I do not trouble their Lordships with a repetition, and only inclose the returns. Lieutenant Dawes, of the Sirius, who had done duty with the detachment for some time, replaced Second Lieutenant Collins.

Marine returns.

The transports began to land their provisions and stores as soon as store-houses were ready to receive them. The Prince of Wales was cleared the 23rd of May, and the Borrowdale the 12th of June; the rest of the ships in succession, and, the Fishburn and Golden Grove excepted, all were cleared by the 25th. These ships as they were cleared had orders to get ready to return to Europe, but the worm had so much destroyed their sheathing that most of them were obliged to heave down. The Fishburn, having the spirits on board for the garrison for three years, was retained untill a proper place could be got ready to receive them.

Shipping.

Lieutenant Ball, in the Supply, having sailed the 6th of May, returned the 25th without being able to procure any turtle; by the account that officer now gives of the island† it will not be any great use to us; no turtle breed there, there is no good water, or any anchoring-ground; the Supply being obliged to come too lost an anchor and cable. The three transports that sailed for China came to this island before the Supply left it, and one of them was near being lost.

Lord Howe
Island.

I shall send the Sirius to the northward as soon as her carpenter can be spared, and from what Monsieur La Perouse said I think one of the Isles des Navigateurs the most likely to furnish the refreshments we want; at the same time, no supplies we shall be able to procure in this country for several years will

Regular supplies
of provisions
required.

* Note 60. † Lord Howe Island.

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10 July.

maintain the colony, and regular supplies of provisions must be sent from Europe. The seeds we have been able to put in the ground this year will, I hope, furnish sufficient seed for the next year, and that is the most I expect. Of the live stock brought from the Cape the greater part is dead; several of the sheep have been killed, and it is doubtful whether by the natives' dogs or by some of our own people.

Intercourse
with natives.

The natives, who are far more numerous than I expected to find them, have lately revenged the insults they received from some seamen and convicts, by wounding one of the convicts, and carrying off a second, who, from circumstances, there is no doubt but they killed; these people were out collecting vegetables; and two men who were cutting rushes have been killed by the natives. As I am well convinced that we have been the aggressors, and it is not possible to find out the people that committed these murders, I have only taken such steps as may prevent the like accidents in future, and have endeavoured, by going to the places to which the natives generally resort, to satisfy them that our intentions are friendly; but since these accidents, except two canoes that went alongside the *Sirius*, the natives generally avoid us. The day after the two last men were killed I went out in hopes of finding their tools on some of the natives, which might have enabled me to have come to an explanation with them; but not a native appeared in Botany Bay, where I slept that night, and though twenty canoes were fishing when we made our fire on the beach, none came near us; fifty canoes were seen on the beach next morning, but not a man could be found, and, on our return to Port Jackson, in a small cove on the sea-shore, we fell in with a number of huts, and the moment we appeared, the natives armed, and made signs for us not to advance, but on my going forward unarmed, and making signs of friendship, most of them laid down their spears, and though we were within ten yards of them before they discovered us in less than three minutes amounted to two hundred and twelve men. We parted with these people on good terms, and their behaviour convinces me that they will never be the first aggressors, though I have been fully satisfied that they revenge the smallest affront. Whether from their superiority of numbers, for we were only twelve, or from their not being accustomed to act with treachery, the moment the friendship I offered was accepted on their side they joined us, most of them laying down their arms; and afterwards, with the greatest confidence, brought down their women to receive fish-hooks, and what we had to give them.

Of these people we know little; for though I go amongst them as often as the many circumstances which draw my attention

permit, yet not being able to remain any time with them, and they never coming near us, but when we are near the coves in which they reside, or for a few minutes in their canoes alongside the Sirius, very few words of their language are attained.

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10 July.

The store-ships and transports are now preparing to return to Shipping. Europe, the Fishburn excepted. That ship cannot be cleared untill a secure place is made for the spirits, which I hope will be done, so as to permit her to sail before the middle of August.

I have only to add that, with respect to this country, the Climate.

climate is very good, and it will, I make no doubt, be as healthy as any in the world when the woods are cleared round us. At present the only disorder that prevails is the scurvy, which still rages. The storms of thunder and lightening, judging from what we had soon after we landed, must be very heavy in the summer; and as several trees have been fired and some sheep and hogs killed in the camp, all the provisions the colony has to subsist on untill fresh supplies are sent from Europe being in two stores, which are thatched, give me some anxiety, but for which there is no remedy at present. Had the three store-ships parted company and afterwards been lost the consequences must have been fatal to the settlement, for no resources within our reach would have supported us untill supplies could have been procured from the Cape or any European settlement.

Danger from lightning.

Their Lordships will, without doubt, order that those sent out in future are embarked in the ships that bring the provisions intended to support them for two years after they land, which is the least time they can be victualled for, untill a regular cultivation has taken place, and which will, I apprehend, be four years. The islands may furnish us with live stock to breed from, but I am fully satisfied that all the Sirius will be able to procure in a year will not be more than a month's subsistence for the colony, should we be obliged to make use of it. The Supply is no way calculated for a service of that kind. Cloathing in this country is full as necessary as in England, the nights and mornings being very cold; and before any supplies can be sent out most of the people will be without shoes, the most necessary article.*

Future procedure.

* * * * *

The rains setting in have prevented the Golden Grove being Shipping. cleared, and that ship will sail, with the Fishburn, as soon as possible after the other ships.

The weekly accounts, returns of marines on board the Sirius, and last weekly return of the detachment serving on shore are inclosed.

I have, &c.,
A. PHILLIP.

1788.
10 July.

[Enclosure No. 1.]

SURGEONS' REPORT.

PURSUANT to an Order of this Day's date unto Us directed by H. Excellency Arthur Phillip, Esqr., Governor-in-Chief and Captain-General in and over H.M. Territory of New South Wales, &c., &c., &c.

We have in the most strict and impartial manner enquir'd and examin'd into the state of S. Lieut. William Collins of the Marines health, who we find in so weak, low, and debilitate a condition occasion'd by an obstinate Dysentery under which he has labor'd for three months, and so very subject to Relapses from the most trifling causes, that it is our Opinion his return to Europe is not only necessary for the re-establishment of his health; but the preservation of his Life depends on it.

We have also in conformity to H. Excellency's command included in the same Order, with care and strict impartiality enquir'd and examin'd into the state of F. Lieut. James Maxwell of the Marines health, who we find to labor under an *Amaurosis*, and his health otherwise so generally impair'd by a Dysenteric complaint, with which he has been afflicted for sometime; that has rendered him incapable of performing his Duty. We therefore are of opinion that his return to Europe is absolutely necessary and the only chance he has of recovering.

Given under our hands at the Genl. Hospital, Sydney Cove,
this 12th day of May, 1788.

J. WHITE, Surgeon to the Settlement.

G. B. WORGAN, Surgeon of H.M.S. Sirius.

To Major Ross, Commandant of the Battalion of Mars.

[Enclosure No. 2.]

[*This return is similar to enclosure No. 2 of despatch No. 4 of Governor Phillip to Lord Sydney, dated 9th July, 1788.*]

[Enclosures Nos. 3 and 4.]

[*Copies of these returns, the Commissary's and marines on H.M.S. Sirius, have not yet been found.*]

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 5, per transport Alexander, duplicate per transport Friendship, triplicate per store-ship Borrowdale; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

My Lord,

Sydney Cove, July the 10th, 1788.

In obedience to the instructions I received under the Royal Sign Manual, respecting the natives, and transmitting an account

of the nature and quality of the soil in and near the settlement, and the mode, and upon what terms and conditions, according to the best of my judgment, lands may be granted,* I have the honor of informing your Lordship that the natives have ever been treated with the greatest humanity and attention, and every precaution that was possible has been taken to prevent their receiving any insults; and when I shall have time to mix more with them every means shall be used to reconcile them to live amongst us, and to teach them the advantages they will reap from cultivating the land, which will enable them to support themselves at this season of the year, when fish are so scarce that many of them perish with hunger, at least, I have strong reason to suppose that to be the case. Their number in the neighbourhood of this settlement, that is within ten miles to the northward and ten miles to the southward, I reckon at fifteen hundred.

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10 July.

The natives.

With respect to the soil, I have had the honor of informing your Lordship that near the head of the harbour there is a tract of country running to the westward for many miles which appears to be in general rich, good land; the breadth of this tract of country I have not yet been able to examine, but I believe it to be considerable. These lands, and several particular spots, may be settled, and the ground cleared of timber, without the great labour we experience in the situation in which I have been obliged to fix the colony. Farmers and people used to the cultivation of lands, if sent out (and without which agriculture will make but a very slow progress), must be supported by Government for two or three years, and have the labour of a certain number of convicts to assist them for that time, after which they may be able to support themselves, and to take the convicts sent out at the expence which Government is put to for their transportation; but then, I presume, none should be sent whose sentence is for a less term than fourteen years.† A yearly fine to be paid for the lands granted, after the fifth year; the fine to be in grain, and in proportion to the crop; and this, I should hope, would be the only tax laid on the crops, giving the church lands in the room of tithes.

Agricultural
prospects.

The sending out settlers, who will be interested in the labor of the convicts, and in the cultivation of the country, appears to me to be absolutely necessary.

Lands granted to officers or settlers will, I presume, be on condition of a certain proportion of the lands so granted being cultivated or cleared within a certain time, and which time and quantity can only be determined by the nature of the ground and

1788.
10 July.

situation of the lands; and, in that case, when lands are granted to officers, the garrison must be sufficient for the service of the place, and to permit such officers occasionally to be absent at the lands they are to cultivate, and for a certain time; they likewise must be allowed convicts, who must be maintained at the expence of the Crown.

Your Lordship will be pleased to consider this opinion as given in obedience to orders, on a subject which requires more consideration than I can give it at present, and at a time when I have only a very superficial knowledge of the country for a few miles around.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per transport *Alexander*, duplicate per transport *Friendship*; acknowledged by Under Secretary Nepean, 20th June, 1789.)

Sydney Cove, Port Jackson,

Dear Sir,

July the 10th, 1788.

Despatches.

By the *Alexander*, under the care of Lieutenant Shortland, agent for the transports, I have sent dispatches to the Right Honourable the Lord Sydney and for yourself, with a rough survey of Port Jackson. Duplicates of these dispatches go by the *Friendship*, under the care of Lieutenant Collins, of the marines, triplicates of most by the master of the *Borrowdale*, and a quadruplicate of my publick letters to you by the *Prince of Wales*. With your dispatches I have sent duplicates and triplicates of my publick letters to the Admiralty and Navy Board,* and I have taken the liberty of troubling you with some private letters.

Lieutenant Shortland is likewise charged with a box of letters from Monsieur La Perouse for the French Ambassador.

Natives use
armed force.

Yesterday twenty of the natives came down to the beach, each armed with a number of spears, and seized on a good part of the fish caught in the seine. The coxswain had been ordered, however small the quantity he caught, always to give them a part whenever any of them came where he was fishing, and this was the first time they ever attempted to take any by force. While the greatest number were seizing the fish, several stood at a small distance with their spears poised ready to throw them if any resistance had been made, but the coxswain very pru-

* Note 62.

dently permitted them to take what they chose, and parted good friends. They, at present, find it very difficult to support themselves.

1788.
10 July.

In consequence of what happened yesterday, no boat will in future go down the harbour without an officer.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(A private letter per transport Alexander.*)

My Lord, Sydney Cove, †July, 1788.

The publick letters to your Lordship will show the situation of this settlement, and the little difficultys we have met with, which time, an additional force, and proper people for cultivating the land will remove; and your Lordship may be assured that anxious to render a very essential service to my country, by the establishment of a colony, which from its situation must hereafter be a valuable acquisition to Great Britain, no perseverance will be wanting on my part, and which consideration alone could make amends for the being surrounded by the most infamous of mankind, it is to your Lordship and to Nepean only that I make a declaration of this kind. Time will remove all difficultys, and with a few famillys who have been used to the cultivation of lands, this country will wear a more pleasing aspect, and those who are to come out, knowing what the country really is, will be less disapointed. As to myself, I am satisfied to remain as long as my services are wanted: I am serving my country, and serving the cause of humanity. I flatter myself that by the return of the ships that brought us out provisions, *and on which is placed our sole dependence*, I shall be able to give your Lordship a more satisfactory account of this country.

Phillip's
devotion to
duty.

Lt. Philip Gidley King, the second lieut. of the Sirius, who is at Norfolk Island, is a very steady, good officer. He, too, is cut off from all society, and is in a situation that will require patience and perseverance, both of which he possesses, with great merit in the service as an officer; as such I beg leave to recommend him to your Lordship. The rank of master and commander he well earned in the late war, and I should be very happy if he now attained it, thro' your Lordship. I have now, my Lord, only to request that my compliments may be made acceptable to Lady Sydney and family, and as I have directed my official letters to Mr. Nepean, to Mr. Townshend‡ in particular, I hope he will not forget his exiled friend.

Lt. King's
merits.

* Note 63. † Note 64. ‡ Note 65.

1788.
10 July.

Of your Lordship's friendship I have had proofs, and of which I retain a just sense; add to the obligation, my Lord, by believing that I merit the friendship you honor me with, and that I am, with esteem,—

Your Lordship's, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(A private letter per transport *Alexander*.)

My Lord, Sydney Cove, July 10th, 1788.

I have now closed all my publick letters, which, from the hurry in which they have been written, will appear unconnected, and stand in need of an apology. Your Lordship will see by the last letter that the natives, armed, took some fish by force from the boat's crew. The temptation was great, for the quantity caught was considerable, and fish is now very scarce. We shall guard against any dispute on this head in future, and when the ships sail I shall have time to go amongst them and to give them some little assistance if, from the rains having ceased, fish can be caught in any quantity.

Natives use
armed force

Presents.

The enclosed memorandum contains the articles for your Lordship, which are on board the *Alexander*, and of which I beg your acceptance. The wine will, I hope, be improved by the voyage.

I have once more the pleasure of assuring your Lordship of my esteem, and of a just sense of the friendship with which I am honor'd, and of requesting that my respects may be made acceptable to Lady Sydney, with compliments to Mr. Townshend. The birds from Lord Howe Island may be acceptable to Lady Chat-ham; and I am sorry that I have not been able to procure any small birds for Miss Townshend, to whom, likewise, your Lordship will please to make my compliments.

The kangaroo for your Lordship is the largest I have yet seen. As it stands it measures five feet nine inches. This extraordinary animal makes the same use of his fore feet as the monkey does. Major Ross has one alive. It is young, very tame, and comes to you and embraces your hands with the fore feet. The female was killed, and the young one remained by the body.

Wishing your Lordship health, I have the honour to be, with the greatest esteem, &c. ,

A. PHILLIP.

Lt. Collins, whose bad state of health obliges him to return, I beg leave to recommend to your Lordship's notice.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

1788.
12 July.

12th July, 1788.

[*This despatch is similar to the letter of Governor Phillip to Under Secretary Nepean, dated 10th July, 1788, and has been omitted.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per transport Alexander, duplicate per transport Friendship.)

My Dear Sir,

Sydney Cove, July 12th, 1788.

To the articles which I have mention'd as more immediately wanted, the following, tho' so very necessary, have escaped my memory till this moment. Leather for soles for the men's shoes, and the materials for mending them. Shoes here last but a very short time, and the want of these materials, and thread to mend the cloathing, will render it impossible to make them serve more than half the time for which they were intended. This country requires warm cloathing in the winter; the rains are frequent and the nights very cold.

You will excuse the repetition of our wants; they will, I hope, be less in future.

I have, &c.,

A. PHILLIP.

Vinegar will be very acceptable; it is very much wanted.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 6, per H.M. Ship Sirius to the Cape of Good Hope; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

Sydney Cove, Port Jackson,

My Lord,

1st September, 1788.

1 Sept.

I had the honor of informing your Lordship of the situation of this colony, by the agent for the transports, Lieutenant Shortland, who sailed the 13th of July, in the Alexander, with the Friendship and Prince of Wales, transports, and the Borrowdale, store-ship; duplicates of my letters to your Lordship being sent at the same time by Lieutenant William Collins, whose bad state of health obliged him to return to Europe; and triplicates by the master of the Borrowdale.

These ships went to the northward, intending to follow Captain Carteret's track* between New Britain and New Ireland; and as it

* Note 66.

1788.
1 Sept.

is not now impossible but that the ships by which I have now the honor of writing to your Lordship may be the first that arrive, I shall recapitulate the heads of my former letters.

[Here follow extracts from letters already given.]

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 7, per H.M. Ship Sirius to the Cape of Good Hope; acknowledged by Rt. Hon. W. W. Greville, 19th June, 1789.)

Sydney Cove, Port Jackson,
28th September, 1788.

28 Sept.

My Lord,

Extracts from my letters by the ships which sailed in July accompany this letter, and I have now the honor of informing your Lordship that the Supply sailed for Norfolk Island the 17th of July, and returning the 26th of August, brought me the following particulars from the Commandant of that island. He says that immediately after being landed they proceeded to clear ground sufficient for building huts for themselves and a store-house, the whole island not affording a single acre free from timber. They were landed on the south-west end of the island, a rough sketch of which I received from that officer, and have the honor of enclosing your Lordship. The bay in which they landed is sheltered by a reef of coral rock, through which there is a passage for a boat, but which, with the tide of flood when the wind is westerly, makes the landing dangerous; and a midshipman who was ordered to lay within the reef, in order to attend the boats coming on shore, imprudently letting the boat drive into the surf, was lost with four men. This was the second time the boat had been overset with that midshipman in her, and the first time one man was lost.

Reports from
Norfolk Island.

The want of a good landing-place, and security for vessels in the winter, is the only thing to be wished for, the island being in every other respect one of the finest in the world. The earth is very rich—mould to the depth of five and six feet wherever they have dug so deep, and all the grain and garden seeds which have been put into the ground growing in the most luxuriant manner. This island, from the great quantity of pumice-stone found there, must formerly have been a volcano, the mouth of which, it is probable, will be found on the top of a small mountain near the middle of the island, which he has named Mount Pitt.* The island is exceedingly well watered, a strong stream, which rises

* Note 67.

at or near Mount Pitt, running through a very fine valley—sufficiently strong to turn a mill, though divided into several branches; and very fine springs of water are found in different parts of the island.

1788.
28 Sept.

Reports from
Norfolk Island.

There are several small bays, and there are some hopes of finding a better landing-place, but the necessity of employing everyone in sheltering themselves and stores from the weather, the small number of people, only seventeen men and six women,* and the whole island being covered with wood, which a sort of supple-jack, interwoven with the trees, renders almost impassable, have hitherto prevented its being examined. With this small number, Mr. King has cleared sufficient ground to have vegetables of every kind in the greatest abundance; three acres in barley, part of which had been first sown with wheat, but none of which came up, the grain being injured by the weevil, and ground was ready to receive rice and Indian corn, when the Supply was there. All his people were in good houses, and he says that he has no doubt but that within three years they shall be in such a situation as to support themselves, with the assistance of a small proportion of salt provisions, and that they will not stand in need of that after the fourth year. They have fish in great abundance, some turtle in the season, great number of pigeons, and have found the plantain growing wild. The flax-plant (some roots of which I shall send by the Sirius to the Cape, to be forwarded to England) is found very luxuriant all over the island, growing to the height of eight feet; unfortunately, the person I sent, who calls himself a flax-dresser, cannot prepare it, as this plant requires a different treatment in the dressing to what the European flax-plant does. Your Lordship, I presume, will order proper persons to be sent out, by which means that island will, in a very short time, be able to furnish a considerable quantity of flax. The pine-trees, in the opinion of the carpenter of the Supply, who is a good judge, are superior to any he has ever seen; and the island affords excellent timber for ship-building, as well as for masts and yards with which I make no doubt but his Majesty's ships in the East Indies may be supplied, as likewise with pitch and tar, the only difficulty being the want of a good landing-place, and I have not the least doubt but that one will be found in some of the small bays, or if not, Mr. King proposes blowing up two or three of the small rocks which make the reef dangerous, but if disappointed in both, there will be no danger in the summer-time; and I am assured by the master of the Supply it will be safer for a ship to load with masts and spars at Norfolk Island than it is in Riga Bay, where so many ships load yearly.

* Note 11.

1788.
28 Sept.

Another
detachment for
Norfolk Island.

The Supply has been twice to the island, but in this season we have blowing weather, and that has prevented our receiving any spars. The Golden Grove will sail the beginning of October, with one petty officer, a serjeant, corporal, and six marines, twenty men and ten women convicts, and eighteen months' provisions for the island; and by that ship I expect spars, some of which shall be sent to the Commissioners of His Majesty's Navy, that they may be properly examined, as I believe the wood is nearly as light as the best Norway masts, and grows to a most extraordinary size, some of the trees measuring from one hundred and sixty to one hundred and eighty feet, and rise eighty feet without a branch; the turpentine from them is very white, and in the opinion of those who have seen it is of the purest kind. The fern-tree is likewise found of a good height, measuring from seventy to eighty feet, and affords good food for the hogs, sheep, and goats, all which thrive; and I shall send them what live stock we now have remaining of what was purchased on account of Government. No quadrupeds have been seen except rats, which at present overrun the island, but which the cats and terrier dogs intended to be sent will, I hope, soon destroy; until that is done, their crops must suffer very considerably. There are, likewise, great plenty of cabbage-trees, but not a single blade of grass has been seen on the island, the pigeons, sheep, and goats eating the leaves of the shrubs and of particular trees, with which they grow very fat. Two canoes were found on the rocks, probably driven from New Zealand.

They had not had such heavy storms of thunder as we have experienced, and the people have been very healthy. I think this island will answer the most sanguine expectations, and am satisfied that the officer who commands there will, in a very few years, not only put that island in a situation to support itself, but to assist this colony.

As soon as the rains permitted the getting the provisions on shore from the two remaining store-ships, they were cleared, except of the spirits, which are on board of one of them, and which will be landed the end of this month. It was my intention to send the two store-ships away together, and expected they would be ready to sail the first week in October, and the Sirius was ordered to be ready to sail about the same time to the northward, in order to procure live stock; but it was now found that very little of the English wheat had vegetated, and a very considerable quantity of barley and many seeds had rotted in the ground, having been heated in the passage, and some much injured by the weevil. All the barley and wheat, likewise, which had been put on board the Supply at the Cape were destroyed by

Failure of
crops in
N.S.W.

the weevil. The ground was, therefore, necessarily sown a second time with the seed which I had saved for the next year, in case the crops in the ground met with any accident. The wheat sent to Norfolk Island had likewise failed, and there did not remain seed to sow one acre. I could not be certain that the ships which are expected would bring any quantity of grain, or, if put on board them, that they would preserve it good by a proper attention to the stowage, to the want of which I impute our present loss.

1788.
28 Sept.

The colony not being in a state to support any considerable quantity of live stock, many being under the necessity at present of frequently killing a part of what they have for want of food to support them, I should be obliged to kill what the Sirius might procure, and which could not be expected to exceed ten or fourteen days' provision for the settlement; and we now have not more than a year's bread in store, having been obliged to furnish the Sirius and the Supply with provisions. On these considerations, but more immediately from the fear of not having grain to put into the ground next year, when we shall have a more considerable quantity of ground to sow, I have thought it necessary to order the Sirius to go to the Cape of Good Hope in order to procure grain, and at the same time what quantity of flour and provisions she can receive. Captn. Hunter is likewise ordered to purchase what necessarys the surgeon of the hospital demands for six months, no necessarys of any kind, according to his letter, which is inclosed, having been sent out. Fifteen pipes of wine were purchased at Rio de Janeiro, which were all that could be procured; and I presume, as thirty pipes were ordered, the remainder will be sent out by any ship that may stop at Teneriffe. I have only ordered a sufficient quantity of necessarys to be purchased for that time, as a demand has been made in my first letter to your Lordship. The cellar for receiving the spirits will be finished, and the Fishburn store-ship cleared and ready to sail by the time the Golden Grove returns from Norfolk Island, when both ships shall be immediately ordered to England.

Shortness of
supplies.

Sirius ordered
to the Cape
for supplies.

I send the store-ship to Norfolk Island, as I think the Supply may be necessary in the harbour while the Sirius is absent.

Your Lordship will see by the returns the state of the garrison and the provisions remaining in store. What the Sirius will bring will be mostly flour, and that she may take on board as large a quantity as possible I have ordered some of her guns to be landed.

I presume that your Lordship will see the necessity of this colony having always a certain quantity of provisions in store.

1788.
28 Sept.
Proposed
Settlement at
Parramatta.

As soon as the Sirius sails I intend going up the harbour to the ground pointed out in my former letters as more easily cultivated than the land round us,* with a small detachment, consisting of two lieutenants, one captain, twenty-five non-commissioned and privates, and forty or fifty convicts, who will be employed in cultivating the ground. I purpose remaining with this party until they are settled, and have no doubt when settlers come out, and proper people to superintend the convicts that will be employed for the Crown, but that two or three years will give this country a very different aspect; and in the meantime the clearing the ground near the settlement shall not be neglected.

Marines'
quarters.

The hutting the detachment has been going on under the direction of the Major-Commandant. The officers have all separate houses, and except one or two are now under cover. The barracks are still in hand. There being some carpenters and sawyers in the different companies, I ordered them to be employed as such; and it being customary to pay the soldiers when so employed, and Major Ross thinking that they could not otherwise be set to work as artificers, I have inclosed his report of such as have been employed for your Lordship's approbation. I have likewise the honour of inclosing your Lordship his returns of such officers as wish to be relieved at the expiration of the three years for which they were sent out,† and of those who are desirous of remaining, as likewise copies of his letter and my answer respecting the encouragement offered by Government to settlers.

The barracks, officers' houses, hospital, store-houses for the use of the detachment and for the public stores, are buildings that will stand for some years, as they will hereafter be walled up with brick or stone, if limestone can be found in the country, or if sent out as ballast in the transports.

Cultivation of
the soil.

The detachment is now inclosing ground for their gardens, and we have about six acres of wheat, eight of barley, and six acres of other grain, all which, as well as such garden seeds as were not spoiled, promise well; and though the soil is in general a light sandy soil, it is, I believe, as good as what is commonly found near the sea-coast in other parts of the world. The great inconvenience we find is from the rocks and the labour of clearing away the woods which surround us, and which are mostly gum-trees of a very large size, and which are only useful as firewood, though I think that when we can cut them down in the winter and give them time to season they may be made useful in building.

* Note 68. † Note 69.

The fish begin to return with the warm weather, but I fear we shall never be able to save any part of the provisions by the quantity that will be taken.

1788.
28 Sept.

Habits of fish.

The rainy season is, I hope, nearly over, and though we have had very heavy rains they have not been more frequent than was expected, and were chiefly confined to a few days near the full and change of the moon.

The climate is equal to the finest in Europe, and we very seldom have any fogs. All the plants and fruit-trees brought from the Brazil and the Cape that did not die in the passage thrive exceeding well; and we do not want vegetables, good in their kind, which are natural to the country.

Climate.

With respect to the sending to the Islands for women,* your Lordship will, I believe, think that in the present situation of this colony it would be only bringing them to pine away a few years in misery; and I am very sorry to say that those we have are most of them very abandoned wretches. Still, more women will be necessary when more convicts are sent out.

Women.

Stone houses that will not be in danger from fire will, if possible, be erected in the course of the summer, as likewise a place of worship; and if ships coming out bring limestone as ballast these very necessary works will go on fast. At present we are obliged to lay the bricks and stones in clay, and of course to make the walls of an extraordinary thickness, and even then they are not to be depended on.

Stone to be used in building.

This country is supposed to have mines of iron and tin or silver by those who have been used to work in mines; but I give no encouragement to search after what, if found in our present situation, would be the greatest evil that could befall the settlement.

Metals reported to exist.

A convict, used to work in the Staffordshire lead mines, says the ground we are now clearing contains a large quantity of that metal; and copper is supposed to be under some rocks which have been blown in sinking a cellar for the spirits. I have no doubt but that the earth contains iron and other metals, and that mines may hereafter be worked to great advantage. The red used by the painters, and which they call Spanish brown, is found in great abundance; and the white clay with which the natives paint themselves is still in greater plenty; and which the Abbé that came out with Monsieur Perouse as a naturalist told me, if cleared of the sand (which may be done with little trouble), would make good china. Specimens were sent to Sir Joseph Banks,† and a stone taken out of a slate quarry that I thought contained some metal.

* Note 16. † Note 70.

1788.
28 Sept.

Free settlers
required.

Observations
on the natives.

Your Lordship will, I hope, judge it expedient to send out settlers, to whom a certain number of convicts may be given; they, my Lord, will be interested in cultivating the lands, and when a few carpenters and bricklayers are sent out who will act as overseers, and have some little interest in the labour of the convicts who are under their care, a great deal of labour will be done by them who are employed on the public works. I have in a former letter mentioned that a couple of decked vessels of 30 or 40 tons burthen,* if sent out in frames, and two or three good shipwrights, would be of great service.

The natives, though very friendly whenever they are met by two or three people who are armed, still continue to attack any of the convicts when they meet them in the woods, and two or three have been lately wounded by them. I have been with a small party to examine the land between the harbour and Broken Bay; we went as far as Pittwater, and saw several of the natives, but none came near us. There are several hundred acres of land free from timber, and very proper for cultivation, when a small settlement can be made on the coast. On our return to the boats near the mouth of the harbour, we found about sixty of the natives, men, women, and children, with whom we stayed some hours; they were friendly, but, as I have ever found them, since they find we intend to remain, they appeared best pleased when we were leaving them, though I gave them many useful articles; and it is not possible to say whether it was from fear or contempt that they do not come amongst us. I have already had the honor of informing your Lordship of the little we know of these people. Most of the women, and all the female children I saw had lost two joints from the little finger of the left hand, and two women were scarred on the shoulders like the men, the first I had seen. The women, when we first came on the beach, were in their canoes fishing, which is their constant employment, the men chiefly employing themselves in making canoes, spears, fuzigs, &c.

The day before we returned, the boat that was waiting for us, near the harbour's mouth, saw about two hundred men, who assembled in two parties, and who, after some time, drew up opposite to each other, and from each party men advanced singly and threw their spears, guarding themselves at the same time with their shields. I suppose this to have been no more than an exercise, for the women belonging to both parties remained together on the beach; though towards the end of the combat they are said to have run up and down, uttering violent shrieks

* Note 71.

As it had been supposed that many of the natives had left this part of the coast on account of the great scarcity of fish, the different parts of the harbour were examined in one day, and the canoes counted; not more than sixty-seven canoes and one hundred and thirty-three people were seen; but it was the season in which they make their new canoes, and large parties were known to be in the woods for that purpose. I went a few days after to examine the coast between this harbour and Botany Bay, in which journey few of the natives were seen; but a young whale being driven on the coast, all we met had large pieces, which appeared to have been lain on the fire until the outside was scorched, in which state they eat it. These people last summer would neither eat shark nor stingray; but the scarcity of fish in the winter, I believe, obliges them to eat anything that affords the smallest nourishment. They have two kinds of root which they chew after roasting; one is the fern-root; they eat together, that is, in families, and seldom broil their fish (the only way they ever dress it) for more than a few minutes. I am sorry to have been so long without knowing more of these people, but I am unwilling to use any force, and hope this summer to persuade a family to live with us, unless they attempt to burn our crops, of which I am apprehensive, for they certainly are not pleased with our remaining amongst them, as they see we deprive them of fish, which is almost their only support; but if they set fire to the corn, necessity will oblige me to drive them to a greater distance, though I can assure your Lordship that I shall never do it but with the greatest reluctance, and from absolute necessity.

1788.
28 Sept.

Observations
on the natives.

As there are paths which are much frequented between this harbour and Broken Bay, I apprehend they frequently change their situation; but have no reason to suppose they go to the northward in the winter, and return in the summer.

The kangaroo is the only animal of any size that we have yet seen, and they are frequently killed; they are of two sorts, one seldom weighing more than sixty pounds; these live chiefly on the high grounds; the hair is of a reddish cast, and the head shorter than the large sort, some of which have been killed that weighed one hundred and fifty pounds; both are of the opossum kind, and the young ones, several of which have been taken, grow very tame in a few days, but none have ever lived more than two or three weeks.

Kangaroos.

I have now given up all hopes of recovering the two bulls and four cows that were lost,* and one sheep only remains of upwards of seventy which I had purchased at the Cape on my own account and on Government's account. It is the rank grass

Live stock.

* Note 51.

1788.
28 Sept.

under the trees which has destroyed them, for those who have only had one or two sheep which have fed about their tents have preserved them.

Hogs and poultry thrive and increase fast. Black cattle will thrive full as well, and as we shall be able in future to guard against their straying, your Lordship will please to determine whether it would not be necessary to order any ship that was coming to the settlement with provisions to purchase at the Cape as many cows as could be conveniently received on board, with a couple of young bulls. But the ship for that purpose should be able to stow them between decks; and I beg leave to observe that a forty or fifty gun ship that brought out provisions and stores, leaving her guns out, would answer the purpose better than any transport, and at once stock this settlement. Savu is at too great a distance for the Sirius to be employed on that service to any extent.

Your Lordship will, I hope, excuse so long a detail of matters trifling in themselves, and which I should not have dwelt on but that I wished the situation of the colony to be known as fully as possible.

I have, &c.,
A. PHILLIP.

[Enclosure No. 1.]

SURGEON WHITE TO GOVERNOR PHILLIP.

General Hospital, Sydney Cove,
12th September, 1788.

Sir,

Hospital stores
wanted.

As His Majesty's Ship Sirius is shortly to sail for the Cape of Good Hope, I am induced from a sense of Duty, as well as Motives of Humanity, again to bring to your Excellency's Recollection how much the Marines, their Wives and children, as well as the Convicts are and have been distressed when ill, for the Want of Necessaries to aid the operation of Medicine, there being none sent out for the Use of the Hospital after landing, Wine excepted; those Supplied by the Navy Board for the Voyage I have issued with the Strictest economy, but they have long been expended, and the time for which they were Supplied, elapsed.

As Returns from Europe cannot arrive here for a considerable time, I beg leave to particularize a few necessarys which are absolutely and indispensably requisite, and probably may be procured at the Cape, a list of which I have taken the Liberty to enclose.

When Necessarys are sent from England, I hope Blankets and Sheets for the Hospital will not be overlooked, as none were sent out although demanded.

1788.
28 Sept.

I have, &c.,

JOHN WHITE.

[Sub-enclosure.]

[A copy of this return has not yet been found.]

[Enclosure No. 2.]

THE MARINES.

GENERAL Return of the Four Companies of Marines doing duty in New South Wales. Returns of
marines.

October 1st, 1788.	Major- Commandant.	Captains.	Capt'n-Lieuts.	First Lieuts.	Second Lieuts.	Adjutant.	Qr.-master.	Judge- Advocate.	Serjeants.	Corporals.	Drummers.	Privates.
Present—												
Fit for duty	1	2	2	7	2	1	1	1	12	11	8	145
Unfit for duty .....	...	...	...	...	...	...	...	...	...	...	...	15
Adjutant of orders and officer of engineers .....	...	...	...	1	1	...	...	...	...	...	...	...
Absent—												
On command .....	...	...	...	...	...	...	...	...	...	1	...	...
With leave .....	...	...	...	...	...	...	...	...	...	...	...	...
Without leave .....	...	...	...	...	...	...	...	...	...	...	...	...
In gaols .....	...	...	...	...	...	...	...	...	...	...	...	...
Wanting to complete .....	...	...	...	...	1	...	...	...	...	...	...	...
Total	1	2	2	8	4	1	1	1	12	12	8	160
ALTERATIONS SINCE LAST RETURN.												
Joined the detachment .....	...	...	...	...	...	...	...	...	...	...	...	1
Discharged .....	...	...	...	...	...	...	...	...	...	...	...	...
Dead .....	...	...	...	...	...	...	...	...	...	...	...	...
Embarked .....	...	...	...	...	...	...	...	...	...	...	...	1
Promoted to—												
Serjeants .....	...	...	...	...	...	...	...	...	...	...	...	...
Corporals .....	...	...	...	...	...	...	...	...	...	...	...	1
Reduced .....	...	...	...	...	...	...	...	...	...	1	...	...
Drummers made privates .....	...	...	...	...	...	...	...	...	...	...	...	...
Privates made drummers .....	...	...	...	...	...	...	...	...	...	...	...	...

N.B.—John Ross, volunteer, doing duty without pay, September the 15th, embarked on board His Majesty's ship "Sirius," one private, in lieu of one private joined the detachment from His Majesty's ship "Sirius," September the 15th.

R. Ross, Major.

1788.
28 Sept.

RETURN OF THE OFFICERS.

Officers' Names.	Present.		Doing duty at H'dq'rs.		Absent.	
	Fit for duty.	Unfit for duty.	Adjutant of Orders.	Officer of Engineers.	On Comm'd.	With leave.
Major-Commandant, Robert Ross.....	1	...	...	...	...	...
Captains { James Campbell	1	...	...	...	...	...
{ John Shea	1	...	...	...	...	...
Capt'n-Lieut's. { James Meredith	1	...	...	...	...	...
{ Watkin Tench	1	...	...	...	...	...
{ George Johnstone.....	...	...	1	...	...	...
{ John Cresswell	1	...	...	...	...	...
{ Robert Kellow	1	...	...	...	...	...
First Lieutenants { John Poulden.....	1	...	...	...	...	...
{ John Johnstone	1	...	...	...	...	...
{ James M. Shairp	1	...	...	...	...	...
{ Thomas Davey	1	...	...	...	...	...
{ Thomas Timins.....	1	...	...	...	...	...
Second Lieutenants { Ralph Clark.....	1	...	...	...	...	...
{ William Dawes .....	...	...	...	1	...	...
{ William Faddy	1	...	...	...	...	...
Adj., Second Lieut. John Long	1	...	...	...	...	...
Q'r-master, 1st Lieut. James Furzer	1	...	...	...	...	...
Judge-Advocate, David Collins	1	...	...	...	...	...

R. Ross, Major.

[Enclosure No. 3.]

STATE OF THE STORES AT SYDNEY.

Commissariat
return.

AN Account of Provisions remaining in His Majesty's stores at Sydney Cove, New South Wales, 30th September, 1788.

Flour	414,176 pounds	is 52 weeks' ration
Rice	51,330	„ 15 „
Beef	127,608	„ 43 „
Pork	214,344	„ 128 „
Pease	2,305 bushels	58 „
Butter	15,450 pounds	49 „

Number of persons victualled—Men, 698 ; women, 193 ; children, 42.

Provisions at Norfolk Island, 20 months. Number of persons victualled—Men, 44 ; women, 16.

ANDW. MILLER,
Commissary.

[Enclosure No. 4.]

ARTIFICERS belonging to the Marine Detachment. Employed from the 17th May to the 30th Sept., 1788, both Days included:—

1788.
28 Sept.
Marine
artificers.

Trades.	No. of Comy.	Names.	No. of days empd.	How, & where employ'd.
Carpenters...	56	Chas. Reynolds	112½	An indifferent carpenter.
	6	Patk. Connell ...	109½	do do
	6	Willm. Dowlan	81½	do but a very good sawyer.
	59	Edw.d Dinger ...	90	A very ordinary carpenter.
	61	Thos. Scott	10	Ordinary joiner & tolerable sawyer.
	35	Andw. Fishburne	101	Ordinary carpenter.
	11	Jose. Lewis	70	do do and sawyer.
	30	Robt. Stephens...	55½	Labourer assisting the carpenters.
	18	Jno. Lewis	85	Ordinary carpenter.
	5	Ralph Brough ...	99½	do do
Masons	11	John Brown	96½	Stone cutter.
	8	Thos. Phillips ...	110	do
	48	Jno. Folly.....	86½	Mason and bricklayer.
	41	Mark Hurst	100	do do
	47	Jno. Bates	27	A mason lent from the Sirius.
Shinglers ...	38	Chas. Brixey ...	107	Superintending the shingle makers
	41	Heny. Wright ...	68	Employ'd making shingles.
	27	Benjm. Cusley ...	44	
	26	Jas. Angel	29	
	42	Jno. Roberts.....	23	
	2	Willm. Hallam...	61½	
	56	Jno. Brown (2d)	61½	
Sawyers	15	Jas. Rogers	59½	Tollerable sawyer.
	51	Jno. Griffiths ...	53½	do do
	24	Wm. Strong	97½	A good sawyer.
	35	Richd. Knight ...	59½	Tollerable sawyer.
	51	Heny. Rossor ...	45	do do
File cuttrr...	30	Thos. Jackson ...	88½	Employ'd at the publick forge.
	50	Jno. Branson ...	35½	Miner employd at the public cellar.
Total No. of days			3,072½	

R. Ross, Major.

[Enclosure No. 5.]

1788.
28 Sept.Marines wishing
to remain in
N.S.W.

LIST of such Officers, Non-commissioned Officers, Drummers, and Privates, as are desirous of remaining in this country after the time when their Lordships, the Commissioners of the Admiralty, intended to relieve the Detachment, as expressed in their letter* of the 8th of October, 1786.

New South Wales, 1st October, 1788.

Number of Company.	Names and Quality.	Desirous of remaining in this country.
	Watkin Tench, Capt.-Lieut..	As a soldier, for one tour more of three years.
	George Johnston, First Lieut	Having been so short a time in this country, cannot determine whether he would wish to remain or not; as to settling can say nothing.
	John Johnstone, ditto	Having been so short a time in this country, cannot determine whether he would wish to remain another tour or not; as to settling can say nothing, till he knows on what terms.
	James Maitland Shairp, ditto	Being so short a time in the country, he cannot yet judge whether he would wish to remain or not another tour; as to settling, until he knows the terms and nature of the grants, cannot determine.
	William Dawes, Second Lt...	As a soldier for one tour more of three years.
53	William Baker, Serjeant	As a soldier.
5	George Fleming, Private ...	As a soldier for three years more.
26	Isaac Tarr, ditto	As a settler.
56	James Manning	As a soldier.

All the officers, non-commissioned officers, drummers, and private men of the detachment, whose names are not expressed in the above list, wish to return to England at the time proposed by their Lordships' letter of the 8th October, 1786, or as soon after as their Lordships may find it convenient.

R. Ross, Major.

* Note 72.

[Enclosure No. 6.]

MAJOR ROSS TO GOVERNOR PHILLIP.

1788.
28 Sept.

Camp, Sydney Cove, New South Wales,

Sir, 8th August, 1788.

I think it proper to inform your Excellency, that the Right Honorable the Lords Commissioners of the Admiralty did, in their Letter of the 8th of October, 1786, and addressed to the Commanding Officer of each of the Divisions of Marines, direct me to signify to such Marines as would make a voluntary Tender of their Services for Botany Bay, should, at the Expiration of their Station (intended by their Lordships' Letter, to be three Years), be intitled to their Discharge on their return to England, provided their good Behaviour during this Service, merited such Mark of Favour. Or that they should be discharged in this Country, at the Relief, and permitted to settle in it, provided they chose it.

As I am directed to transmit a List of such Officers, non-commissioned Officers, and Privates of this Detachment, as chuse to be discharged in this Country, as well as of such as make a Choice of returning to England at the time of the Relief, I think it highly necessary to give their Lordships this information by the next Ships that sail from this Place, as I do not see any Probability of my having another Opportunity of giving their Lordships the necessary timely Notice.

But before I put the Question to either Officers or Privates, I have, in Justice to them, to request that Your Excellency will please to inform me of what Encouragement Government have held out to induce them to remain here either as Soldiers or Settlers.

I have the Honor to be, &c.,

R. Ross, Major.

[Enclosure No. 7.]

GOVERNOR PHILLIP TO MAJOR ROSS.

Head Quarters, Sydney Cove,

Sir, 9th of August, 1788.

In answer to your Letter of the 8th Instant, in which you mention your Intentions of transmitting to the Right Honorable the Lords Commissioners of the Admiralty a List of such Officers and Men belonging to the Detachment as may be desirous of being discharged in this Country, as well as of such as make Choice of returning to England at the Time of the Relief; and desiring to know what Encouragement Government holds out to induce them to remain here either as Soldiers or Settlers:

1788.
23 Sept.

I have to inform you from that Part of the Royal Instructions which I some time since shewed you, that as soon as Government is informed of the actual State of the Country, and of the Quality of the Soil at and near the Settlement, proper Instructions and Authorities will be sent out for the purpose of giving every reasonable Encouragement to such of the Military and others as may be desirous of cultivating the Lands, and to whom Grants will be made, when Government, from knowing the State of the Country can determine on the most eligible Mode of granting Lands.

You will be so good as to let me have a Copy of the List you transmit to the Admiralty.

I have the Honor to be, &c.,

A. PHILLIP.

[Enclosure No. 8.]

RETURN of Sick, 27th Sept^rember, 1788.

Medical
returns.

Marines sick in hospital	4
„ camp	21
Marine women and children in camp	5
Deaths since last return	0
Total belonging to the battalion under medical treatment	30
Male convicts sick	62
Female ditto and children	31
Total of convicts under medical treatment	93
Male convicts dead since the last report of June 30	6
Female convicts ditto since ditto	4
Total convicts dead since ditto	10
Convicts unserviceable from old age, infirmities, &c.	53

[Enclosure No. 9.]

RETURN of men, women, and children belonging to the settlement that have died since the 13th of May, 1787.*

Vital
statistics.

Died on the passage.		
Marines		1
Do. wives		1
Do. children		1
Convicts—Men		36
Do. women		4
Do. children		5
Total number dead on the passage		48

Note 73.

RETURN of men, women, and children that have died—*continued.*

1788.
28 Sept.

Died since landing.

Marines	3
Do. wives	0
Do. children	2
Convicts—Men (including 3 killed by the natives)	26
Do. women	12
Do. children	9
	—
Total number dead since landing	52
	—
Total number dead since leaving England	100

Eleven men and one woman missing. Four executed.

DAVID COLLINS, Secretary.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per H. M. Ship Sirius to the Cape of Good Hope; acknowledged by Under Secretary Nepean, 20th June, 1789.)

Sydney Cove, Port Jackson,

My Dear Sir,

September 28th, 1788.

I have ordered the Sirius to the Cape, for the reasons assigned in my letter to Lord Sydney, all the seed wheat and most of the other seeds brought from England having been spoiled, as well as what wheat was put on board the Supply at the Cape; several acres sown with this wheat have been sown a second time, with the seeds preserved for next year, in case of any accident happening to what we have in the ground, and which has left us without a bushel of seed in the settlement. Having only a year's flour in store, Captain Hunter has orders to purchase as much as the ship can stow, and I apprehend he will be able to bring six months' for the settlement; as likewise what seed wheat, &c., we may want. The Sirius and Supply being virtualled from the stores lessens our provisions; and you will, I believe, see the necessity of having always two years' provisions beforehand; a store-ship may be lost a long time before it is known here or in England.

Sirius ordered to the Cape.

No kind of necessarys for the sick after landing was sent out. I enclose the surgeon's letter, and what he has demanded for six months I have ordered to be purchased, and apprehend necessarys for the hospital will be sent out by the first ships. The cloaths for the convicts are in general bad, and there is no possibility of mending them for want of thread; it is the same with the shoes, which do not last a month; these necessary articles, to the amount of a few pounds, I have likewise ordered to be purchased. A strong launch to remove provisions will soon

Stores wanted.

1788.
28 Sept.

be necessary, as some convicts are going to cultivate land near the head of the harbour, and to bring timber, for what we now use is brought already from a considerable distance, and our roads after heavy rains are bad.

Finance.

Bills are given to the carpenters and sawyers of the Sirius and Supply for the time they have been ashore (certificates were given to those belonging to the transports). The whole amounts to £192 17s. 6d. These small bills will give the Treasury some trouble, but this country has no Treasury. There are now only ten convict carpenters; more are absolutely necessary, as well as bricklayers, for the building to secure stores will be a heavy work, and must be undertaken; at the same time I wish to avoid hiring the ships' carpenters in future.

Tools wanted.

The tools and articles in the inclosed lists will be much wanted by the time they can be sent out, and I cannot help repeating that most of the tools were as bad as ever were sent out for barter on the coast of Guinea.

Of the thirty pipes of wine ordered for the hospital, only fifteen were purchased. There being no more port wine in the stores at Rio de Janeiro, you will be so good as to let orders be given for the remainder being procured at Teneriffe, if port wine is not sent from England.

Rations.

The ration, as settled by the Navy Board, is the same for the men convicts as for the garrison, and the giving of only four pounds of pork in lieu of seven pounds of beef I think too little.* The additional pound of flour a month is, I suppose, according to the custom of other garrisons, but this is the business of a Commissary, and with which I am unacquainted. The eighth was stopped for some time in favour of Government, on account of the loss in issuing the provisions in small quantities, but being desirous, if possible, to do away with every cause of discontent, on Major Ross informing me that it never was done in any garrison to his knowledge, the full weight being given, and the loss falling on Government, I have ordered that deduction to be taken off, and the garrison and convicts receive their full allowance.

The women have two-thirds of what is allowed the men, and the children one-third. The children's allowance is, I think, too little, and I have been obliged in several instances to order children half the men's allowance, or two-thirds, as the women are allowed.

Stores.

The wooden ware sent out were too small; they are called bowls and platters, but are not larger than pint basons.† There was not one that would hold a quart.

As the candles sent out will not last more than two years, I wish to know if it is the intention of Government to furnish the settlement with that article for any longer term.

1788.
28 Sept.

The requisites for mending the men and women's cloaths and shoes, as well as some kind of bedding for them, are very necessary, and some kind of covering will be wanted for the children. This is not an expense that will be necessary to continue after a number of settlers are in the colony, for then the convicts will have some resources; at present they have none.

Amongst our many wants a few proper people to superintend the convicts has been mentioned, and we are at a great loss for the necessary people to attend the stores and see the provisions issued. The convicts who are proper for this are those who have had some little education, and they are the greatest villains we have. In fact, there is no choice of persons of any class, and I am obliged to continue such as we have in places for which they prove themselves very unfit subjects.

Convict
superintendents.

The paint I have desired is chiefly for the gun-carriages, boats, &c.

The knowing when the time expires for which the convicts have been transported is very necessary, many of whom will desire to return; and there are many that will be a burthen to Government, and who I should be glad to send away. This I mentioned more particularly in a former letter.

Convicts'
sentences.

Copies of the order and instructions given to the Commandant of Norfolk Island are inclosed, as likewise what articles are ordered to be purchased at the Cape.

The good behaviour and industry of two convicts, Noah Mortimer and Edward Westlake, have induced me to request that their families may be sent to them.* The men are at Norfolk Island, and which they do not wish to leave after the time for which they have been transported expires. The names and places of abode of these two families are inclosed.

Well-behaved
convicts.

An account of the artificers belonging to the detachment who have been employed as such is inclosed in my letter to Lord Sydney. You will, sir, be so good as to inform me what they are to be paid a day; and, as the ships that may come out will bring many necessaries which these people stand in need of, they hope that money will be sent out to pay them, as bills would be attended with great loss and inconvenience.

Artificers
pay.

The carpenters belonging to the transports had notes given to them for what they had earned, at the rate of three shillings per day.

* Note 76.

1788.
28 Sept.

The master carpenter of his Majesty's ship Sirius and the master carpenter of the Supply, armed tender, have been paid by bills at the rate of three shillings per day. The rest, carpenters and sawyers, have been paid by bills at the rate of two shillings per day.

The master smith, who belongs to the Sirius, has no allowance for his work, as I have written by the ships that sailed in July to request he may be established in the settlement with such an allowance as may be judged proper.

The Golden Grove is now ready to sail with one midshipman, one serjeant, one corporal, and five privates, twenty men and ten women convicts. These will make the number on Norfolk Island sixty,* and I send eighteen months' provisions. The Fishburn will be ready to sail by the time the Golden Grove returns, and both ships shall sail immediately for England.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

[*This is similar to enclosure No. 1 of despatch No. 7 from Governor Phillip to Lord Sydney, dated 28th September, 1788.*]

[Enclosure No. 2.]

[*This is similar to enclosure No. 1 to the letter of Governor Phillip to Under Secretary Nepean, dated July 9, 1788.*]

[Enclosures Nos. 3 and 4.]

[*These were forwarded as enclosures to the despatch of Governor Phillip to Lord Sydney, May 15, 1788.*]

[Enclosure No. 5.]

PROVISIONS AND STORES.†

Sydney Cove, Port Jackson, New South Wales,
22nd September, 1788.

AN Account of such Articles as by order of the Governor are to be purchased at the Cape of Good Hope by Captain John Hunter, commanding His Majesty's ship Sirius, viz. :—

As large a quantity of flour as can be conveniently stowed, supposed equal to 4 months, per ye garrison.
Sixty bushels of seed wheat.
Twenty bushels of seed barley.
Ten bushels of Indian corn for seed.

Twelve baskets of garden seeds.
Coarse thread, blue and white, with needles, to the value of ten pounds.
Leather and the materials necessary for mending the convicts' shoes, to the value of ten pounds.
Tar—Two barrels.

For the use of the hospital.

Coarse sugar—Six hundred pounds.
India sago—One hundred pounds.
Raisins—One small cask.

Spices—Six pounds.
Vinegar—Three hogsheads.
Tin saucepans—One dozen.

ANDW. MILLER, Commissary.

* Note 77.

† Note 78.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

1788.
28 Sept.

(Per H. M. Ship Sirius to the Cape of Good Hope.)

Sydney Cove, Port Jackson,
September 28th, 1788.

Sir,

Lieutenant Shortland, who sailed from hence the 13th of July, in the *Alexander*, with the *Friendship*, *Prince of Wales*, and *Borrowdale*, transports, was charged with my despatches for the Right Honourable the Lords Commissioners of the Admiralty. Despatches.

Those ships went to the northward, intending to follow Captain Carteret's track* between New Britain and New Ireland.

You will please to inform their Lordships that as soon after the sailing of those ships as the weather permitted the two remaining store-ships were cleared of the provisions; and the *Golden Grove* was immediately hove down and ordered to prepare for sea, the *Fishburn* being obliged to remain with the spirits on board untill a place of security was prepared. Lieutenant Ball sailed the 20th of July with provisions for Norfolk Island, and returned the 26th of August, having met with very strong gales in his passage, and very indifferent weather while he was off the island. From Lieutenant Philip Gidley King, the Commandant I received the following particulars.† Provisions for Norfolk Island.

* * * * *

The having a settlement on Norfolk Island, and the extent of this harbour, as well as the great necessity there will be of procuring that kind of wood which is proper for building, and which is not to be got even at present but with the labour of a great number of convicts, will render two vessels of thirty or forty tons of infinite service to this settlement. I presume they might be sent out in frame, but it will be necessary to send a few shipwrights to put them together, and who, as well as a mast-maker, and one that understands the manner of tapping the pine-trees, will be of great service. Small vessels required.

I inclose the state and condition of his Majesty's ship *Sirius*, and *Supply*, armed tender, the returns of the detachment of marines, and the returns made by the surgeon of the hospital.

The *Sirius* is now ready to sail for the Cape, and the *Golden Grove* for Norfolk Island.

The sketch of Howe Island made by Lieutenant Ball is inclosed.

I have, &c.,
A. PHILLIP.

* Note 66. † Note 79.

1788.
28 Sept.

[Enclosures Nos. 1 and 2.]

STATE AND CONDITION OF H. M. SHIPS SIRIUS AND SUPPLY.

[*Copies of these reports have not yet been found.*]

[Enclosures Nos. 3 and 4.]

[*These are duplicates of Enclosures Nos. 2 and 8 to the despatch No. 7 of Governor Phillip to Lord Sydney, dated 28th September, 1788.*]

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 9, per store-ship Golden Grove; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

27 Oct.

Sydney Cove, Port Jackson,

My Lord,

27th October, 1788.

Marines
discontented.

I am very sorry to be under the very disagreeable necessity of troubling your Lordship with the following particulars, but the very unpleasant situation of the detachment doing duty in this country, from the discontents between the Commandant and the officers, will, I presume, satisfy your Lordship of that necessity, as I am sorry to say it is not in my power to restore that harmony which is so very requisite in our situation.

General
court-martial.

Having received a letter from Major Ross requesting a general court-martial on an officer* for neglect of duty, contempt, and disrespect to him, I issued a warrant for assembling a general court-martial; but the thirteen senior officers, when assembled, declared that they could not sit as members of a general court-martial under that warrant, being, as a part of his Majesty's marine forces, amenable only to the authority of the Commissioners for executing the office of Lord High Admiral of Great Britain. The warrant was issued under the authority of his Majesty's Commission for assembling general courts-martial, but they declined sitting under the Act of Parliament made for the Army.

Officers refuse
to sit.

Having assigned their reasons in writing to Major Ross (to whom the warrant was directed), I have the honor to enclose your Lordship a copy.

Though the letter from the commanding officer of the detachment was very sufficient grounds for ordering the court-martial, if the officer could have been tried on the spot, as it was now determined that there was no legal authority in this country for ordering a general court-martial on any part of the marine corps, and the officer accused declared himself innocent of every part

* Note 80.

of the charge, I ordered a court of enquiry to be assembled to *enquire into the particulars of the charge*, and to report whether there was, or was not, sufficient ground for a general court-martial, intending, if the court of enquiry reported that they found sufficient ground, to order a court of enquiry to examine fully into the charge and to report their opinion, which was the only means I had left of doing justice to both parties, as no court-martial could be held; for though I knew that courts of enquiry always preceded courts-martial, yet in the present instance I was fully satisfied that the warrant I had issued for holding the court-martial was totally done away by the officers having denied the legality of it, as far as it respected themselves, and consequently a court of enquiry perfectly regular; and I had reason to suppose that both parties would have consented to such a determination, no other being possible, under our present circumstances. The court of enquiry met, and I received the following answers, signed by the President:—That had the business been referred to them before the application for a court-martial they might then have proceeded with the consent of both parties, but that at present they thought themselves precluded from making any enquiry, and only reported that an application from a commanding officer was always deemed a sufficient ground for a general court-martial (which was never doubted). They had refused to sit as members of the court-martial, not deeming the warrant legal, with respect to themselves, as being marine officers, and they now refused to make any enquiry because that warrant had been issued.

1788.
27 Oct.

Court of
inquiry
ordered.

Result abortive.

To order an officer to return to his duty under the same commanding officer whom he was accused of treating with contempt or disrespect, or to let him remain under arrest until he could be tried in this country, might be attended with very disagreeable circumstances, for of seventeen officers* composing the detachment five have been put under arrest by their commandant, and are only returned to duty by my order until a sufficient number of officers to form a general court-martial can be assembled, as I have in a former letter had the honor of informing your Lordship.

Difficulties
created.

I therefore ordered the evidence on both sides to be taken by the Judge-Advocate, and intended to send them home with the officer, but before that could be done I received a letter from Major Ross, informing me that the officer had fully satisfied him respecting the charge, and desiring that he might be permitted to withdraw his request for a court-martial. I therefore ordered the officer to return to his duty.

* Note 38.

1788.
27 Oct.

When the warrant was granted for assembling a general court-martial, I did not know that an Act of Parliament had been passed for a limited time, by which the marines serving in America had been tried; nor did any officer in the detachment entertain a doubt of the propriety of their sitting under a warrant issued by the authority of his Majesty's commission, until the evening before the court was to assemble, when the doubt arose, on the Judge-Advocate's reading over the oath.

The present situation of the detachment will be obvious to your Lordship.

✓ I have, &c.,
A. PHILLIP.

[Enclosure No. 1.]

CAPTAIN CAMPBELL TO MAJOR ROSS.

Sydney Cove, Port Jackson,
13th October, 1788.

Sir,

General
court-martials.

The officers assembled by your order for the purpose of holding a general court-martial beg leave to acquaint you that not conceiving they can legally sit as members of a court-martial under any other than a warrant from the Admiralty, enclose you their reasons for that opinion, which they request you will lay before his Excellency the Governor, and afterwards transmit a copy of the same to the Right Hon'ble the Lords Commissioners of the Admiralty.

They further request they may be allowed to accompany you to his Excellency with the statement of their opinion.

I have, &c.,
JAS. CAMPBELL, Capt'n.

[Enclosure No. 2.]

OFFICERS' OBJECTIONS.

THE officers of marines, assembled by order of their commanding officer, for the purpose of holding a general court-martial, beg leave to state the following particulars:—

THE Legislature every year passes an Act for the regulation of his Majesty's marine forces while on shore in any place within the realm of Great Britain, or in any other of his Majesty's dominions, which Act empowers the Lord High Admiral, or three or more of the Commissioners for executing that office, to grant a commission to any officer of the said forces, not under the degree of a field officer, for holding general courts-martial at any place within the intent and meaning of the Act, and to make articles for the punishment of mutiny and desertion. By this Act of Parliament, and by these Articles of War, the marine

forces have always been regulated and governed, except during the late war in America, when the marines serving in that country were included in the provisions of an Act of the same Legislature, pass'd in the year 1775, for the purpose of amending and rendering more effectual in his Majesty's dominions in America an Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters.

1788.
27 Oct.
General
court-martials.

At the succeeding sessions the usual Act for the regulation of the marine forces while on shore was passed, that is for the regulation of such part of the corps as were not in America, for the marines were included in the Act for the punishment of mutiny and desertion amongst the troops serving in that country; and at all general courts-martial where marine officers sat in conjunction with those of the land forces, or appear'd before a military tribunal, they were guided and directed by the articles of war for the Army.

In the oath prescribed by the (Marine) Act of Parliament the members swear not to divulge the sentence of the court until it shall have been approved by the Lord High Admiral, or three or more of the Commissioners for executing that office. Nor does it appear in that Act of Parliament that they can assemble for the trial of any marine officer or soldier but by warrant from the Admiralty. The Judge-Advocate is also directed to transmit the original proceedings and sentence of every court-martial to the Secretary of the Adm'ty, as no sentence can be put in execution until a report shall have been made of the whole proceedings to the Board. Neither can a commiss'd marine officer be dismiss'd the service except by an order from his Majesty, or by the sentence of a general court-martial, approved by their Lordships.

Hence it plainly appears that this Act of Parliament is meant for the internal regulation of the marine forces, and that whenever it is intended they shall be under any other a particular Act of the Legislature has been deemed necessary.

The situation then of that part of the corps of marines that is serving in New South Wales, under the Government of his Majesty's Governor-in-Chief, Captain-General of that territory, is attended with the following peculiarities:—

A commission* has issued from his Majesty empowering the said Governor-in-Chief to assemble general courts-martial for the trial of any officer or soldier of the troops under his command, and to confirm or set aside their sentence.

The usual Act of Parliament for the regulation of the marine forces while on shore, passed a month or two before the departure

* Note 80.

1788.
27 Oct.
General
court-martials.

of the detachment from that corps ordered for New South Wales, without any alterations or new provision being made for their particular situation. A Judge-Advocate was appointed by the Admiralty, who was instructed in their warrant to keep the Act of Parliament constantly for his rule. No other power than the Admiralty is authorized to grant a warrant for their holding general courts-martial, and the members are sworn to the same oath of secrecy as their brethren at home. The prisoner also is to wait the approval of the Admiralty before he can know his fate.

Under all these circumstances and considerations, the officers directed to assemble for the purpose of holding a general court-martial are humbly of opinion that, being officers of his Majesty's marine forces, they cannot sit for that purpose under the warrant of his Excellency the Governor, and beg leave to represent the unpleasant situation they feel themselves placed in, hoping that this statement of it may be transmitted to the Right Hon'ble the Lords Commissioners of the Admiralty, under whose direction they always consider themselves, and from whom they hope such remedy will be applied as their Lordships may think expedient.

At the same time they solicit that in this business they may be understood to be acting only in conformity to an Act of the British legislature passed expressly for their regulation while on shore in any part of his Majesty's dominions; and that they have not in any shape been wanting in the respect that belongs to the high authority of his Majesty's commission, or to the office invested with it in this country.

JAS. CAMPBELL, Captain.	JNO JOHNSTONE, 1st Lieut.
JNO. SHEA, do.	Js. M. SHARP, do.
WATKN. TENCH, Capt.-Lieut.	THOS. DAVEY, do.
GEO. JOHNSTON, 1st Lieut.	THOS. TIMINS, do.
JNO. CRESWELL, do.	RALPH CLARKE, 2nd Lieut.
ROBT. KELLOW, do.	WM. DAWES, 2nd Lieut.
JOHN POULTON, do.	

Camp, Sydney Cove, 13th October, 1788.

DAVID COLLINS, Judge-Advocate.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

27th October, 1788.

[A despatch, similar to that which was sent to Lord Sydney of the same date marked No. 9, was forwarded to the Admiralty.]

GOVERNOR PHILLIP TO LORD SYDNEY.

(Despatch No. 10, per store-ship Golden Grove; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

1788.
30 Oct.

Sydney Cove, Port Jackson,

My Lord,

30th October, 1788.

By his Majesty's ship Sirius I had the honor of informing your Lordship of my reasons for sending that ship to the Cape of Good Hope; the loss of all the seed wheat, and the greatest part of the other grains and seeds, brought from England, which had been heated in the long passage, and very little of which, when sown, ever vegetated; all the seed wheat put on board the Supply at the Cape of Good Hope had likewise been destroyed by the weevil; and after sowing the ground a second time with what seed had been brought from Rio de Janeiro and the Cape of Good Hope there did not remain sufficient to sow a single acre; and the crops in the ground are exposed to various accidents in our present situation.

Sirius sent to the Cape for supplies.

The Sirius sailed the 2nd instant, to go round the South Cape; and Captain Hunter has directions to purchase for the use of the garrison what flour the ship can receive, after having compleated his own provisions; the quantity will not be very considerable (at present we have 18 months' bread in store). Necessaries for the hospital were likewise ordered to be purchased, none of any kind being sent out either for the detachment or convicts after they landed.

Your Lordship will see by my former letters the little progress we have been able to make in cultivating the lands, and, I presume, the necessity of a few proper persons being sent out to superintend the convicts, as well as settlers, who have been used to cultivation; for at present this settlement only affords one person* that I can employ in cultivating the lands on the public account. Most of the officers have cultivated a little ground, but it is merely for their own conveniency, and none more than a single acre, except the Lieutenant-Governor, who has about three acres. I have sixteen at a small farm on the public account.

Agriculture.

It must, my Lord, be settlers, with the assistance of the convicts, that will put this country in a situation for supporting its inhabitants; nothing but the uncertainty of the time in which my letters may reach England, and the possibility of those last written being the first received, would make me trouble your Lordship in this letter with a repetition of what I have fully explained in my former letters—that people who are not convicts are necessary for the stores, from which provisions or stores are delivering almost hourly, and that we want for superintending the convicts such as have been brought up in the line in which they are to be employed.

Settlers wanted.

* Note 81.

1788.
30 Oct.

Cattle wanted.

Attacks by
natives.

If the ships that bring out provisions were such as could receive on board black cattle at the Cape of Good Hope, I think we shall in future be able to preserve them; and a ship to remain here as a store-ship would be attended with many advantages. It is still a doubt whether the cattle we lost have been killed by the natives, or if they have strayed into the country.* I fear the former, and am sorry to say that the natives now attack any straggler they meet unarmed; and though the strictest orders have been given to keep the convicts within bounds, neither the fear of death or punishment prevents their going out in the night; and one has been killed since the *Sirius* sailed. The natives, who appear strictly honest amongst themselves, leave their fizgigs, spears, &c., on the beach, or in their huts, when they go a-fishing; these articles have been taken from them by the convicts, and the people belonging to the transports buy them at the risk of being prosecuted as receivers of stolen goods, if discovered. The natives, as I have observed, revenge themselves on any they meet unarmed; it is not possible to punish them without punishing the innocent with the guilty, and our own people have been the aggressors.

The natives still refuse to come amongst us, and those who are supposed to have murdered several of the convicts have removed from Botany Bay, where they have always been more troublesome than in any other part. I now doubt whether it will be possible to get any of those people to remain with us, in order to get their language, without using force; they see no advantage that can arise from us that may make amends for the loss of that part of the harbour in which we occasionally employ the boats in fishing.

Conduct of
marines.

If my former letters have reached your Lordship the situation of this settlement is known, and as most of the officers have declined any kind of interference with the convicts, except when immediately employed by themselves, the little progress made in clearing land that requires so much labour will be accounted for. A letter sent from the Admiralty to the commanding officers of marines at Portsmouth and Plymouth is what the officers say they govern themselves by, and in which they say no extra duty is pointed out. What I asked of officers was so very little, and so far from being what would degrade either the officer or the gentleman in our situation, that I beg leave to report once more to your Lordship the request I made soon after we landed, and which was made in the following words:—"That officers would, when they saw the convicts diligent, say a few words of encouragement to them, and that when they saw them idle, or met them straggling in the woods, they would threaten them with punish-

* Note 51.

ment." This I only desired when officers could do it without going out of their way; it was all I asked, and was pointedly refused. They declared against what they called an interference with convicts, and I found myself obliged to give up the little plan I had formed in the passage for the government of these people, and which, had even that been proposed to the officers, required no more from them than the hearing any appeal the overseer might find it necessary to make, and a report from the officer to me, or to the Judge-Advocate, if he thought it necessary, but which never has been asked of the officers, as they declined any kind of interference.

1788.
30 Oct.

The Golden Grove store-ship sailed for Norfolk Island the 2nd of October, with provisions and some stores, and carried a midshipman, two seamen, a serjeant, corporal, and five privates, with twenty-one men and eleven women convicts.* Their numbers will be increased in the course of the summer.

Detachment for
Norfolk Island.

The Fishburn is now fitting for sea, that she may sail with the Golden Grove, as soon as that ship returns from Norfolk Island.

The same reason which makes me trouble your Lordship with tedious extracts from my former letters makes it necessary to point out in this letter that we at present depend entirely for provisions being sent from England; and I beg leave to observe that if a ship should be lost in the passage it might be a very considerable time before it could be known in England. The Sirius, from the length of the voyage, would not be able to supply this settlement from the Cape, and though the Islands may furnish refreshments in great abundance to one or two ships, if the Sirius was employed between the Islands and this settlement, the quantity procured would be but small for so great a number of people; but, my Lord, I hope a very few years will put this country in a situation to support itself, for I have the pleasure of seeing what land has been cleared in a very flourishing state.

Commissariat.

I am now preparing to go up the harbour with a small detachment of one captain, two lieutenants, and twenty privates, who are to protect some convicts intended to clear land near the head of the harbour, where it is a fine open country, having very little timber, and being perfectly free from underwood.

Settlement at
Parramatta.

The Supply remains here, as I think that vessel necessary in the harbour at present, and which was my reason for sending the store-ship to Norfolk Island.

Returns of the detachment and the quantity of provisions in store are enclosed to Mr. Nepean.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

1788.
16 Nov.(Despatch No. 11, per store-ship *Golden Grove*; acknowledged by Rt. Hon. W. W. Grenville, 19th June, 1789.)

Sydney Cove, Port Jackson,

My Lord,

November 16, 1788.

Reports from
Norfolk Island

Since I closed my letter of the 30th of October to your Lordship the *Golden Grove* has arrived from Norfolk Island, where the people and provisions were landed, and from whence I have received the most favourable accounts. They have vegetables in great abundance, as well as fish. The grain that had been sowed after the first had failed (from having been heated in the passage, or injured by the weevil) promises a great increase. The soil is extremely rich, and to the depth of many feet wherever they have dug; the people very healthy, and perfectly satisfied under an officer, who will in less than two years render that island independent of this colony for the necessaries of life, if we can procure black cattle to send him. He will have an additional number of people in the course of the summer. A few honest, industrious families would then find themselves happy in a good climate, as healthy as this settlement (and no place can be healthier), with a rich land, easy of cultivation, and where the storms of thunder and heavy rains have not been felt. The flax-plant will supply the settlers on that island with rope and canvas, as well as a considerable part of their cloathing, when they can dress it properly; but a person experienced in dressing flax is much wanted, as well as a few good husbandmen, for those we have been able to send there are not only in general idle and abandoned, but ignorant. A cocoanut that was as good as if just taken from the tree, and a small piece of wood, said to resemble the handle of a flyflap, as made in the Friendly Islands, and which did not appear to have been long in the water, have suggested an idea that some island which is inhabited lays at no great distance, but which my present situation does not permit me to determine. The remains of two or three canoes have been found on the rocks. The *Golden Grove*, in her passage from Norfolk Island, saw a very dangerous reef, the south end of which lay in the latitude of $29^{\circ} 25'$ south, longitude $159^{\circ} 59'$ east.* It appeared from the N.E. by N. to N. when they were four leagues from it, but no judgment can be formed how far it extends to the northward.

Reef
discovered.Settlement at
Parramatta.

I had the honor of informing your Lordship of my intentions of fixing a settlement near the head of the harbour,† and I have lately passed several days in examining the country. The land is good, and though there is none we can take possession of at present which can be cultivated without clearing the ground of

* Note 82. † Note 83.

the timber—for if the trees are at the distance of thirty or even fifty feet the roots spread—the labour there, nevertheless, will not exceed the fourth part of what is required in our present situation, and there the land appears to be the best I have seen in this country; and as far as I could examine, which was for a couple of miles round the spot on which I have fixed, I think the country as fine as any I have seen in England. I had an officer and ten men with me, which I left to finish a small redoubt, and in a few days the remainder of the detachment will be sent up with some convicts.

1788.
16 Nov.

A soldier has been lately missing, who, I suppose, lost his way in the woods, and has either been killed by the natives or died by a fit, to which he was subject.

A soldier
missing.

Except the old, and those who brought incurable complaints with them, the people are very healthy. The weather is now settled, and the two store-ships are ready to sail, and intend going round the South Cape.

A small quantity of flax, as I received it from Norfolk Island is enclosed with the despatches. A plant that produces pepper, and supposed to be the same as the East India pepper, is found in great plenty in Norfolk Island. Several roots of this plant, and some of the pepper, are sent to Sir Joseph Banks, who I have requested to inform your Lordship or Mr. Nepean if it proves to be, as supposed, the black pepper used in England.

Botanical
specimens.

In sinking a well the sand was thought to contain a very large proportion of metal, a small quantity of which is sent by the two ships. It has been twenty-four hours in a strong fire, but we could not get it to melt. I suppose it to be blacklead.*

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per store-ship Golden Grove.)

Sir, Sydney Cove, Port Jackson, November 16, 1788.

By his Majesty's ship Sirius, that sailed from hence for the Cape of Good Hope the 2nd of October, I had the honor of transmitting, for the information of the Lords Commissioners, particulars respecting this settlement and Norfolk Island, with such drawings of that and Lord Howe Island as I had received from the lieutenants King and Ball.

Despatches.

A survey made by Captain Hunter and the officers of the Sirius, of this harbour was sent with my dispatches in July, under the care of Lieutenant Shortland.

The loss of all the seed wheat and most of the other grain and seeds that was brought from England, by being heated, was my

* Note 84.

1788.
16 Nov.
Shipping.

reason for sending the *Sirius* to the Cape. You will, sir, please to inform their Lordships that the *Fishburn* is now ready for sea. The *Golden Grove* sailed for Norfolk Island the 2nd of October. Both ships will sail for England as soon as that ship returns.

Population of
Norfolk Island.

I thought it necessary to keep the *Supply*, tender, here in the absence of the *Sirius*, which was my reason for sending the *Golden Grove* to Norfolk Island; and I ordered the master of the *Supply* on board that ship, as he is acquainted with the island, where the landing is difficult. Eighteen months' provisions and stores, with a petty officer, one sergeant, one corporal, five privates, two seamen, twenty-one men, and eleven women convicts, were sent in the *Golden Grove*. These make the number of people on Norfolk Island sixty-one,* and more will be sent in the course of the summer.

The natives.

The natives now avoid us more than they did when we first landed, and which I impute to the robberies committed on them by the convicts, who steal their spears and fuzgigs, which they frequently leave in their huts when they go out a-fishing, and which the people belonging to the transports purchase, though every possible precaution has been taken to prevent it. This the natives revenge by attacking any stragler they meet, and one convict has been killed since the *Sirius* sailed.

Store-ship
wanted.

The advantages attending a ship of the line as a store-ship in this harbour I have observed in my former letters. Such ship might bring a considerable quantity of black cattle from the Cape. as I presume she would have few guns on board. One or two small vessels of thirty or forty tons would, likewise, be employed to great advantage, and which I beg leave to submit to their Lordships' consideration. The necessity of a regular supply of provisions has been, likewise, pointed out in my former letters, as the resources this country affords at present are very trifling.

Soldier
missing.

A marine has been lately missing, and it is doubtful whether he lost his way in the woods and was killed by the natives, or whether he died in a fit, he being subject to fits.

Reef
discovered.

The *Golden Grove* returned from Norfolk Island the 10th instant, having landed the provisions and people. In her return they fell in with a dangerous reef, on which the sea broke very high. The south end of the reef only was seen, which, by Mr. Blackburn's account (the master of the *Supply*), is in the latitude of $29^{\circ} 25' S.$, longitude $159^{\circ} 59' E.$ † It extended from N.E. by N. to north, but the weather did not permit him to examine how far it extends to the northward. They were, when the bearings were taken, four leagues from it, with light airs of wind. It shall be examined in the course of the summer.

* Note 77. † Note 82.

The accounts I have received from Norfolk Island are equally favorable with those first received. Vegetables of every kind are there in abundance. The corn they have sown promises well, and the landing may be made much safer than it is at present. The two store-ships have each a lower yard and top-gallant masts from that island, which I have ordered them to deliver at Deptford Yard, by which it may be determined how far the pine of that island may be useful. We still continue clearing the land near us and some convicts, with a small detachment, are settled near the head of the harbour, where the ground is better and less timber to clear away.

1788.
16 Nov.
Reports from
Norfolk Island.

The two store-ships are now nearly ready for sea. The state and condition of his Majesty's armed tender Supply is inclosed. The store-ships are to endeavour to make their passage round the South Cape.

During the winter we had frequently very heavy gales of wind, several from the eastward; but the weather is now settled, and we have had less rain in the winter than what I have generally known in that season on the Brazil coast.

Some driftwood, a cocoanut, and a small piece of wood like the handle of a fly-flap, such as are made in the Friendly Islands, having been driven on shore at Norfolk Island, not appearing to have been long in the water, have suggested an idea there that some inhabited island is at no great distance.

I have, &c.,
A. PHILLIP.

[Enclosure.]

STATE AND CONDITION OF H.M.S. SUPPLY.

[A copy of this report has not yet been found.]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per store-ship Golden Grove; acknowledged by Under Secretary Nepean, 20th June, 1789.)

Dear Sir, Sydney Cove, Port Jackson, 16th Nov., 1788.

In the box which contains my despatches, on board the Golden Grove, I have put up some flax, as received from Norfolk Island. I have before observed they have no person who understands how to manage it. There is likewise a small box with sand, which I suppose to contain blacklead. One paper in that box contains what was in as strong a fire as we could make for twenty-four hours, but did not melt. I have sent a small quantity by the Fishburn to Sir Joseph Banks. Here is a tree, of which we have whole forests, from the leaves of which is distilled an essential oil that appears to be equal to oil of

Flax
specimens.

Natural oils.

1788.
16 Nov.

Specimen
spars.

peppermint. The returns of the detachment, state of the sick and quantity of provisions in store for the detachment and convicts (not including the ships' companies of the Sirius and Supply, who must be hereafter victualled from the store), are inclosed.

Two lower yards were cut at Norfolk Island for the two store-ships, and the masters have my directions to deliver them at Deptford Yard. By those spars they will be able to determine the quality of the wood.

I have mentioned the situation of Lieutenant King, who is the Commandant of Norfolk Island, in my former letters to Lord Sydney and yourself; and you will now permit me to mention Mr. Jamison,* the surgeon, who is surgeon's first mate of the Sirius. He is a very good man, and if the surgeon was to die would lose his chance of promotion; at the same time, if the Sirius leaves the station, he would not be entitled to any pay from the Navy Board. At present he has only the pay of surgeon's mate.

I have, &c.,
A. PHILLIP.

[Enclosure No. 1.]

THE MARINES.

GENERAL Return of the Four Companies of Marines doing duty in New South Wales.

November 16th, 1788.		Major- Commandant.	Captains.	Capt'n-Lieuts.	First Lieuts.	Second Lieuts.	Adjutant.	Qr.-master.	Judge- Advocate.	Sergeants.	Corporals.	Drummers.	Privates.
Present	{ Fit for duty	1	2	1	6	2	1	1	1	11	11	8	135
	{ Unfit for duty .....	...	...	1	...	...	...	...	...	...	...	...	13
Adjutant of orders and officer of engineers .....		...	...	...	1	1	...	...	...	...	...	...	...
Absent	{ On command .....	...	...	...	1	...	...	...	...	1	1	...	12
	{ With leave .....	...	...	...	...	...	...	...	...	...	...	...	...
	{ Without leave .....	...	...	...	...	...	...	...	...	...	...	...	...
In gaols .....		...	...	...	...	...	...	...	...	...	...	...	...
Wanting to complete .....		...	...	...	...	1	...	...	...	...	...	...	...
Total		1	2	2	8	4	1	1	1	12	12	8	160
ALTERATIONS SINCE LAST RETURN.													
Joined the detachment .....		...	...	...	...	...	...	...	...	...	...	...	3
Discharged .....		...	...	...	...	...	...	...	...	...	...	...	...
Dead .....		...	...	...	...	...	...	...	...	...	...	...	3
Deserted .....		...	...	...	...	...	...	...	...	...	...	...	...
Promoted to { Sergeants .....		...	...	...	...	...	...	...	...	...	...	...	...
{ Corporals .....		...	...	...	...	...	...	...	...	...	1	...	1
Reduced .....		...	...	...	...	...	...	...	...	...	1	...	...
Drummers made privates .....		...	...	...	...	...	...	...	...	...	...	...	...
Privates made drummers .....		...	...	...	...	...	...	...	...	...	...	...	...

N.B.—John Ross, volunteer, doing duty without pay.

R. Ross, Major.

* Note 85.

RETURN OF THE OFFICERS.

1788.
16 Nov.

Officers' Names.	Present.		Doing duty at H ^d q ^{rs} .		Absent.		
	Fit for duty.	Unfit for duty.	Adjutant of Orders.	Officer of Engineers.	On Comm'd.	With leave.	Without leave.
Major-Commandant, Robert Ross.....	1	...	...	...	...	...	...
Captains { James Campbell	1	...	...	...	...	...	...
{ John Shea	1	...	...	...	...	...	...
Capt'n-Lieut's. { James Meredith .....	...	1 sick	...	...	...	...	...
{ Watkin Tench	1	...	...	...	...	...	...
{ George Johnston .....	...	...	1	...	...	...	...
{ John Cresswell	1	...	...	...	...	...	...
{ Robert Kellow	1	...	...	...	...	...	...
First Lieutenants { John Poulden.....	1	...	...	...	...	...	...
{ John Johnstone .....	...	...	...	...	1	...	...
{ James Maitland Shairp	1	...	...	...	...	...	...
{ Thomas Davey	1	...	...	...	...	...	...
{ Thomas Timins.....	1	...	...	...	...	...	...
Second Lieutenants { Ralph Clark.....	1	...	...	...	...	...	...
{ William Dawes .....	...	...	...	1	...	...	...
{ William Faddy	1	...	...	...	...	...	...
Adj., Second Lieut. John Long	1	...	...	...	...	...	...
Q'r-master, 1st Lieut. James Furzer	1	...	...	...	...	...	...
Judge-Advocate, David Collins	1	...	...	...	...	...	...

R. Ross, Major.

[Enclosure No. 2.]

SICK Return, Nov. 16th, 1788.

Marines sick in Hospital	4
Do. in Camp	19
Women and children do. in Camp	4

Total belonging to the Battalion under Medical Treatment 27

Convicts sick in Hospital	22
Do. sick in Camp	55

Total Convicts under Medical treatment 77

Deaths on the Voyage.

Marines	1
Marines Wives	1
Marines Children	1

Deaths since landing.

Marines	4
Marines children	2

Total since their embarkation 9

1788.
16 Nov.

Deaths on the Voyage.

Male Convicts	36
Female do.	4
Convicts Children	5

Deaths since landing.

Male Convicts	27
Female do.	13
Convicts Children	9

Total convicts since their embarkation 94

Convicts unfit for hard labour from disease, age, &c. 51

JOHN WHITE, Surgeon.

[Enclosure No. 3.]

[A copy of the Commissary's return has not yet been found.]



GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per store-ship Golden Grove.)

17 Nov.

Sir, Sydney Cove, 17th November, 1788.

The flax contained in this box is from Norfolk Island.

Flax.

I have mentioned in my former letters the want of a person that understands the preparing and manufacture of flax. If properly dressed, I think it would be superior to any that grows in Europe.

Of the cotton seed brought from England very little vegetated.

I have, &c.,

A. PHILLIP.



GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per store-ship Golden Grove.)

Sir, Sydney Cove, Novr. 17th, 1788.

The enclosed Lists, are of such Men belonging to ye Detachment, as having been employed as Artificers. their Qualifications against their Names, will shew what they are, if paid from the Treasury, and their request made thro' the Major Commandant of the Detachment (as mention'd in my former letters) is granted.

They beg to have the money sent out, as Bills would be of little Service to them in this part of the World.

I have, &c.,

A. PHILLIP.

[Enclosure.]

1788.
17 Nov.

MONTHLY Return of Artificers Employed for the Battalion with the Numbr. of Days Empd. from ye 1st Octobr, to 31st 1788 Inclusive:—

No. of Company.	Names.	Trades.	No. of Days Emp'd.	
33	Chas. Brixey ...	Shingler	27	Superintendg. the shingle-makers.
11	Jno. Brown.....	Mason.....	23	Stone-cutter.
47	Jno. Folly	do	24 $\frac{1}{2}$	Mason and bricklayer.
41	Mark Hurst	do	22 $\frac{1}{2}$	do do
8	Thos. Phillips	do	23 $\frac{1}{2}$	Stone-cutter.
54	Chas. Reynolds..	Carpenter	26 $\frac{1}{2}$	An indifferent carpenter.
6	Patk. Connel	do	25 $\frac{1}{2}$	do do
6	Willm. Dowlan ..	do	26	do do but a good sawyer.
59	Edwd. Dinger ..	do ..	26	A very ordinary carpenter.
41	Heny. Wright ..	do ..	24 $\frac{1}{2}$	Willing and handy with the axe or saw.
61	Thos. Scott.....	do	26	Ordinary joiner and tollerable sawyer.
35	Andw. Fishburn ..	do	26	Ordinary carpenter.
5	Ralph Brough ..	do	25 $\frac{1}{2}$	Ordinary carpenter.
18	Jno. Lewis	do	26 $\frac{1}{2}$	Ordinary carpenter and sawyer.
11	Josh. Lewis	do	5	do do do
35	Richd. Knight ..	Sawyer	21	A tollerable sawyer.
24	Willm. Strong ..	do	24 $\frac{1}{2}$	Good sawyer.
51	Jno. Griffiths....	do	23 $\frac{1}{2}$	do do
15	Jas. Rogers	do	19	Tollerable sawyer.
60	Geo. Chislet	do	4 $\frac{1}{2}$	do do
51	Willm. Browning	do	3	Good sawyer.
30	Thos. Jackson ..	File-cutter ..	23 $\frac{1}{2}$	Employ'd at the publick forge.
Total No. of Days			477	

R. Ross, Major.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Lieut. King in the Supply to Batavia, and thence by Dutch packet to England; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Sir, Sydney Cove, February 20th, 1789.

1789.
20 Feb.

The present situation of this colony renders it necessary to state the following particulars, and which you will please to communicate to the Right Hon'ble the Lord Sydney.

When on the death of Captain Shea, who died the 2nd of Feb., 1789, Major Ross, as commandant of the detachment, came to inform me of that event, I observed to him that First Lieut. George Johnston, then doing duty as my Adjutant of Orders (and who was then present), would of course succeed to the capt.-lieutcy. which then became vacant, as being the oldest first lieutenant in the detachment, and that I should in future do

Death of
Captain Shea.

Vacancy
in detachment.

1789.
20 Feb.

Routine of
detachment.

without an adjutant, as there were so few officers. No direct answer was given by Major Ross, who left me, and sending for the Judge-Advocate offered him the company vacant by the death of Capt. Shea, telling him he was directed so to do by Lord Howe, and that if he accepted the comy. he was to give up the appointment of Judge-Advocate to the detachment. This offer being declined, any interference on my part was unnecessary; but as a circumstance of this kind may happen in future, I beg leave to observe that if the Judge-Advocate had accepted of the company he must have given up the appointment of Judge-Advocate to the settlement, for he could not possibly have attended to that charge, supposing he had always remain'd at head-quarters, but which could not have been the case, for the captains relieve each other every three months at Rose Hill; therefore, if officers who may be sent out in civil employs are at liberty to resign the place they hold when any vacancy happens in the detachment, the colony, in its present situation, may lose an officer who is immediately necessary, and who, as in the present instance, cannot be replaced; nor is there any officer in this settlement so absolutely necessary as the Judge-Advocate, who likewise acts as a Justice of Peace,* and which employs a very considerable part of his time.

Clashing of
military and
civil depart-
ments.

When this circumstance is laid before Lord Sydney, I doubt not but his Lordship will see that the civil Government of this colony may be very materially affected by directions of such a nature being given to the commandant of the detachment, and by him carried into execution without the knowledge or consent of the Governor, and which I presume never was intended by Lord Howe. The first information I received of any such offer being intended was from the Judge-Advocate's saying that he would not accept the offer.

Vacancies
to be filled.

I was the next day told by Major Ross that he intended to give commissions to the officers he promoted in consequence of Captn. Shea's death, and some days afterwards he came to ask me if his giving his son a commission as a second lieutenant would meet with my approbation. As Major Ross had not even at that time mentioned his having offer'd the company to the Judge-Advocate, or made any reference to me respecting the filling up the vacancies, I desired he would excuse me from giving any approbation to that appointment in particular.

Captain Lieut. Meredith as succeeding to the vacant company, First Lieut. Geo. Johnston succeeding him as capt.-lieutenant, Second Lieut. R. Clark succeeding to the first lieutcy., and A. J. Ross (who appears in the returns as a volunteer doing duty

* Note 86.

without pay) as being appointed a second lieutenant in the detachment, were afterwards presented to me as such by their commandant.

I have, &c.,

A. PHILLIP.

1789.
20 Feb.

UNDER SECRETARY NEPEAN TO GOVERNOR PHILLIP.

3rd June, 1789.

[A copy of this letter has not yet been found. It was received per transport *Lady Juliana* and acknowledged by Governor Phillip, 14th June, 1790, and was a covering note for the Estimates of the financial year, 1789-1790.]

GOVERNOR PHILLIP TO LORD SYDNEY.*

(Per Lieut. King in the Supply to Batavia, and thence by Dutch packet to England; acknowledged by Lord Grenville, 19th February, 1791.)

My Lord, Sydney Cove, Port Jackson, 5th June, 1789.

5 June.

I am sorry to be under the disagreeable necessity of troubling your Lordship with the enclosed papers.

Objection of
officers to
Criminal
Court.

The letters Nos. 1, 2, and 3 I received from the Judge-Advocate the 26th of April, and Major Ross the next morning brought on three letters, which he desired I would read. Two of those letters were copyes of Nos. 2 and 3; the third letter was from Captain Campbell to Major Ross, as commandant of the detachment. It stated that as he had always understood there was no power in Major Ross to compel the officers to sit as members of the criminal court contrary to their own inclination, he desired that his name might not in future appear in the orderly-book as a member of that court.

After having pointed out the authority by which the criminal court was established, how much it was the officers' duty to sit as members of that court when called on, and the obvious necessity of it, I informed Major Ross, as I had done the day I first heard of the busyness, that the Judge-Advocate had declared in the most solemn manner that he never had intended any offence to Captain Campbell by his letter; and as I saw no reason for that officer's refusing what was most undoubtedly a part of his duty, I desired that he would think seriously of the consequences. The precept for assembling a criminal court was ready to be issued as soon as the names of the officers were inserted who were next for that duty, and if Captain Campbell should persevere in refusing that duty I desired to have his reasons in writing. Major Ross soon after brought me a letter, of which No. 4 is a copy, and as he told me Captain Campbell was fixed in his

* Note 87.

1789.
5 June.

Objection of
officers to
Criminal Court.

opinion that the sitting as a member of the criminal court was no part of his duty, and which he therefore declined, I desired that the officer next on the roster for that service might be named in his room; but Major Ross said that he did not see how that could be done, as he believed that I should find the officers in general of opinion that the sitting as members of the criminal court was not a duty to which they were obliged to submit, but a service in which they had volunteered it, and added "that he knew of no article of war to compel them."*

I had been given to understand, soon after the commission for establishing the criminal court† had been read, that the officers thought it a very disagreeable duty, and that it was looked on as a hardship by some; but I never had supposed officers thought it a service which they were at liberty to decline at their pleasure, and I observed to Major Ross that I could hardly believe it possible that such an opinion was general, but which would be known, as the precept for assembling the court should be issued. At the same time, being desirous to restore tranquillity, if possible, I consented to the demand then made by Major Ross that a court of inquiry might be ordered to give an opinion on the Judge-Advocate's letter before the precept was issued, and after having pointed out the consequences that must follow the officers refusing what was so necessary a part of their duty, and being declared such by an Act of Parliament, required no articles of war or particular instructions to the commandant of the detachment, I assured him that while there were ten men in ye detachment officers should not be wanting to form a criminal court.

Court of
inquiry.

A reference to the officers who had composed the court at which the woman in question had been a witness was afterwards proposed, but those officers desired to decline any interference; and the court of inquiry, when assembled, declared, as appears in their report No. 5, that they did not think themselves to be competent to give an opinion on a private dispute, which appeared to them to involve in itself a point of law.

Criminal Court
procedure.

It may be necessary to inform your Lordship of the manner of assembling the criminal courts. Those assembled on our first landing were composed of the senior officers of the detachment and of the Navy, the first court being given out in general orders‡ after which a roster was kept for that service by the adjutant of the detachment; and when it was necessary to assemble a court the Judge-Advocate sent to the adjutant for the names of the officers next for that duty, whose names being inserted, and the precept signed and sealed by me, is then shewn to the different officers who are to compose the court, by the provost-

* Note 28.

† Note 88.

‡ Note 89.

martial, and which is always done one or two days before the court is to meet, the battalion orders of the day pointing out the officers of the detachment who are for that duty.

1789.
5 June.

Objection of
officers to
Criminal
Court.

Since landing fifteen criminal courts* have been assembled, and on any particular occasion, as when the six marines were tried for robbing the stores, the senior officers in the detachment composed the court.

The court of inquiry which was ordered to meet on the Judge-Advocate's letter, having reported that they did not think themselves competent to judge on the matter laid before them, that court was dissolved, and Major Ross came to inform me that Captain Campbell would protest against the report, which he said was a partial report, in stating that the matter before them was of a private nature, and desired that the request made by the members of that court for copies of the letters laid before them might not be granted.

Captain Campbell afterwards declined making any protest against the proceedings of the court of inquiry, and copies of the letters which they thought necessary, in order to justify their proceedings to the Admiralty, were given them.

The adjutant of the detachment had my orders to give the Judge-Advocate, as usual, the names of the officers who were next for the duty of the criminal court, as soon as the court of inquiry had made their report, but he then came to inform me that Major Ross did not choose to let him give the names of the officers at the Judge-Advocate's request, and desired that it might appear in general orders, or that a verbal message might be sent him from me. The message was sent, and in the names given to the Judge-Advocate, Capt. Campbell's appear'd, and he sat the next day as a member of the criminal court. I had sent for several of the officers before the court met, in order to point out to them the consequences which would follow their refusal of so essential a part of their duty, and the officers I saw on that occasion assured me that they had never doubted its being a part of their duty, after they heard the Act of Parliament and the commission read, which established that court, but Major Ross, afterwards, *on the 6th of May*, telling me that he was still of opinion that many of the officers did not think the sitting as members of the Criminal Court any part of their duty, I desired that Major Ross would assemble the officers, that their separate opinions might be taken on that head. By the report No. 6, which is inclosed, it appears that all the officers thought it a part of their duty, and Capt.-Lieut. Merridith and Lieut. Timmins, then absent from head-quarters, have since declared the same.

* Note 90.

1789.
5 June.

Objection of
officers to
Criminal
Court.

Major Ross'
conduct.

As no legal inquiry into the conduct of any officers can be made here, and Capt. Campbell was the only officer that could be called on to sit as a member of the criminal court who did not think it a part of his duty, I judged it best, for the quiet of the settlement, to let him sit as a volunteer when his name was returned, and here I hoped that affair would have rested for the present, for tho' officers had, when I sent for them to point out to them the necessity of obeying the precept, mentioned their commandant's having heard their opinions, I did not choose to ask any questions as to what might have passed between them and their commandant; but being some time after informed that the officers had been assembled, and the Governor's conduct in calling on Captain Campbell to sit as a member of the criminal court had been stated to them by Major Ross as oppressive, and that endeavours had been used to induce them to join in Captain Campbell's opinion that the criminal court was not a part of their duty, I then thought it necessary to inquire what grounds there were for such a report, and the first officer I spoke to on that subject, doubting of the propriety of saying what pass'd at a meeting to which the officers had been call'd by their commandant, I directed the Judge-Advocate to send for some of the senior officers then in quarters, and to ask them the necessary questions; and the adjutant, who had assembled the officers and attended the meeting, was afterwards sent for. By the answers given by those five officers it appears that all the officers at headquarters were call'd together on the 27th of April, after Major Ross had brought me Capt. Campbell's refusal to attend the duty of the cl. court, and that the tenor of Major Ross's discourse appear'd calculated to induce them to join Capt. Campbell in declining the duty of the criminal courts, saying that he had told the Governor that both he and the officers at large considered that service as what they had volunteer'd, not as a duty; that the Governor's conduct in calling on Capt. Campbell or on officers for that service was oppressive, and that he thought it hard officers should be obliged to sit as members of the criminal court, and oppressive to the highest degree.

The consequences which must have followed had the officers in general been of that opinion will be obvious to your Lordship; but as no legal inquiry could be made respecting the conduct of the officer to whom, as the Lieutenant-Governor and commandant of the detachment, I was naturally to look for support, and from whom the situation of this colony at the time call'd for an address of a very different nature, I did not think it proper to direct any more officers to be sent for on that subject, unless Major Ross should desire it, when the officers informed him they had been

examined respecting that meeting, and which they did as soon as they left the Judge-Advocate; and being asked what questions had been put to them, they desired to refer him to the Governor for the questions and their answers; but Major Ross has never mentioned that business to me, and I have therefore thought it best to let it rest in its present state.

1789.
5 June.

The answers given by the officers, and to which they sign'd their names, are inclosed, No. 7; and I have now, my Lord, only to repeat my regret at being obliged to lay a business of this kind before your Lordship, but which the service and the situation of this colony renders unavoidable; and as the discontents in the detachment, which have been represented in my former letters, still continue, and into which I have not authority to make a legal inquiry, I can only inform your Lordship that those discontents, which have existed from the time this detachment landed, still continue.*

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

JUDGE-ADVOCATE COLLINS TO GOVERNOR PHILLIP.

Sir,

Sydney Cove, 25th April, 1789.

Having this day received a message from Captain Campbell respecting Mary Turner, one of the evidences on the late trial of the soldiers for robbing the store-house,† I beg leave to lay before your Excellency the following particulars of that affair.

The case of
Mary Turner.

It appearing to the members of the court, as well as to myself, on the examination of the said Mary Turner, that she had not sworn the truth in giving her testimony, on her being told to withdraw, the provost-martial was ordered to detain and keep her apart from the other witnesses. The conviction and condemnation of the six prisoners very shortly followed, and the court was dissolved.

On maturely weighing and considering the whole of Mary Turner's deposition, and comparing it with those of the other witnesses, since the trial, I was of opinion there was not sufficient proof to affect her on an indictment for perjury; and as I have always wished to avoid lightly grounding a prosecution against the convicts, from the bad effect it might have, in pointing out to them how far they might offend, if they could but withhold sufficient proof, I had dropped for the present any thoughts of calling on Mary Turner for trial. Neither have I at any time, since then, heard it was the opinion or wish of any member of that court to bring her to trial, until this morning, when I was informed by the provost-martial that Captain Campbell, one of the members of the late court, had inquired of him if she was in

* Note 91. † Note 92.

1789.
5 June.
—
The case of
Mary Turner.

his custody, and expressed some surprize and anger on being told she was not. As to this latter circumstance, I must observe to your Excellency, that, having no place of confinement or custody for female offenders, they have been always suffered to go at large until wanted for trial.*

In consequence of the above message, I wrote to Captain Campbell a letter, wherein I informed him that "I did not think myself there was proof sufficient to bring her to trial, either for perjury or as an accessory; but, nevertheless, if he was of a different opinion, and would let me know what charge should be exhibited, it should be done"—for as I did not myself know of any proof sufficient to establish a charge against her, I was not certain but Captain Campbell might be informed of some that I was not acquainted with. I beg leave to trouble your Excellency with a copy of my letter, and of Captain Campbell's reply, which I received this afternoon; and have now only to add, that though I think the conviction of her being guilty of perjury may be clear in the breast and opinion of every individual of the last court, yet still there is not sufficient proof of it to convict her in the eye of the law; nevertheless, as Captain Campbell considers her as a prisoner by order of the late court, and thinks she ought to be delivered by a due course of law, I propose to bring her before the court that is to assemble in the next week, and try her on a charge of wilful and corrupt perjury at the late trial.

I have, &c.,

DAVID COLLINS.

[Enclosure No. 2.]

JUDGE-ADVOCATE COLLINS TO CAPTAIN CAMPBELL.

Sir,

Sydney Cove, 25th April, 1789.

I understand by the provost-martial, who has just been with me, that you imagined Mary Turner was in custody; I have to acquaint you that Mary Turner is forthcoming at any time she may be wanted, but that I myself have at present no thoughts of calling on her, as I do not think, on mature consideration, there would be sufficient proof to affect her either as an accessory in the late business or for perjury at the trial. However, if you are of a different opinion, and wish to have her tried, she may be brought before the criminal court that is to assemble on Tuesday or Wednesday next; in such case I should wish to have timely notice of the charge to be exhibited against her, and what witnesses are to be called to support it, that the necessary steps may be taken.

I have, &c.,

DAVID COLLINS.

* Note 93.

[Enclosure No. 3.]

CAPTAIN CAMPBELL TO JUDGE-ADVOCATE COLLINS.

1789.
5 June.

The case of
Mary Turner.

Sir, Sydney Cove, 25th April, 1789.

In answer to your letter of this day I have to say that I perfectly well remember, at the last criminal court held in this island, when Mary Turner was ordered to withdraw from the court she was by yourself ordered into the custody of the provost. I do not by this mean to say that it was entirely an act of your own, for myself among others desired it might be so, as we then appeared to be unanimously of opinion that she was a very proper object to make an example of.

When the provost informed you this morning of my having desired him to speak to you about the woman he should have likewise informed you that I had immediately after the above was dissolved, and on my seeing the woman at liberty, desired him to make my compliments to you, and to know from you whether he had not misunderstood the orders you gave him in court—to take her into his custody, as I had myself been one of the members who desired it—nor could I till this morning possibly account for not having been acquainted with your opinion.

Having this morning by accident heard that a criminal court would be assembled the beginning of next week, I judged it a discharge of a part of my duty to the publick to know what was to be done with Mary Turner, sensible that no power on this island could liberate her till she had undergone a trial.

I therefore sent for the provost, who, to my great surprise, had the assurance to tell me that he never delivered my message to you, upon which I ordered him to go and do it without loss of time.

Now, sir, you have the cause of your being troubled with any message from me this morning. How far such a message might authorize you to call upon me as a prosecutor I know not, nor shall I at present comment upon it. One point you have certainly gained by it, that you have effectually precluded Captain Campbell from sitting as a member of any criminal court that it may be necessary to assemble here, and of which you are a part.

As this business may undergo future investigation I beg leave to recommend it to you to keep copies of such letters as you may choose to write upon the occasion, as I assure you I shall of mine. I at the same time think it proper to inform you that this is the only letter you will receive upon this subject from

Sir, &c.,

JAMES CAMPBELL.

1789.
5 June.

The case of
Mary Turner.

[Enclosure No. 4.]

CAPTAIN CAMPBELL TO MAJOR ROSS.

Sir,

Sydney Cove, 27th April, 1789.

As I have always understood that you are not in possession of any power to compel the officers of the detachment under your command to sit as members of the criminal court established in this colony contrary to their own inclinations, I have to request that you will please to direct the adjutant so as that my name may not for the future appear in your orderly book as a member of that court, as I shall be extremely concerned to be reduced to the very disagreeable necessity of objecting to any orders of yours, or any other my superior in command.

I am sensible it may be said of me that I have hitherto volunteered or acquiesced in being in my turn a member of that court, from my being likewise sensible that in the present situation of this colony such power could not, with any degree of propriety, be vested in any other hands but that of the Navy and Army. I have farther to say that I would still continue the same line of conduct did I think it consistent with either my character as a gentleman or my feelings as a man.

You were yourself an ear-witness of the message sent by me by the provost to the Judge-Advocate on the 25th instant, to which message I very soon after received the inclosed (in my opinion) most insulting letter.* I had ever been taught to understand that the person officiating in his character at such courts was the person to carry on the prosecution. How far, or even how it was possible for him to construe my message into a belief that I was become the prosecutor, I know not, nor can I possibly imagine why he should call upon me *individually* for that purpose, as in his letter he certainly does, unless that he had some reason to suppose me of a more sanguinary and persecuting spirit than any other member of the court who wished the woman to be taken into custody for her having (evidently to all then present) perjured herself. The consequence of not using every possible means to prevent so dangerous a crime from getting to a head among the present inhabitants of this colony is too obvious to require any farther remarks upon it, and I am convinced that the wish of exerting every means in their power to prevent it was the motive of that court for desiring the woman to be taken into custody.

With the Judge-Advocate's letter I take the liberty of inclosing for your perusal the copy of my answer to him, with the humble request that you will please to communicate the whole to the Governor, to the end that he may be convinced that I never had,

* Note 94.

nor ever will have, a wish or desire of impeding the publick service, and I have no doubt but that both him and you will do me the justice to say that I have used every means ever put in my power to promote it.

1789.
5 June.
The case of
Mary Turner.

As I have no copy of any of the papers now sent to you, I request that you will please not to part with any of them unknown to me or without my consent.

I have, &c.,

JAMES CAMPBELL.

[Enclosure No. 5.]

MARINE OFFICERS TO GOVERNOR PHILLIP.

Sir,

Port Jackson, 28th April, 1789.

Agreeable to the general and battalion orders of this morning, we the following officers, 1st Lieut. John Poulden, 1st Lieut. John Johnstone, and 1st Lieut. James Maitld. Shairp, met in Captain Campbell's hut at eleven o'clock, and after reading the letters produced in court, came to the following resolutions, viz.:—The officers commanding the court, upon having read and considered the letters which passed in the business now before them, are of opinion that as the business involves in itself a point of law and a private disagreement, they feel themselves incompetent to decide upon it—and they further beg of your Excellency that copies of all the letters which have passed may be given to them (in case of their being at any time hereafter called upon) for the purpose of being inclosed and sent to the Lords of the Admiralty, which they think necessary in order to convince their Lordships of their incompetency to decide on an affair of such a nature.

Court of
inquiry.

We have, &c.,

JOHN POULDEN.

JOHN JOHNSTONE.

J. M. SHAIRP.

[Enclosure No. 6.]

MAJOR ROSS TO GOVERNOR PHILLIP.

Sir,

Marine Quarters, May 6th, 1789.

In compliance with your Excellency's command of this day's date, signified to me by the adjutant, I convened the officers of the detachment, and put the questions directed by your Excellency, and received their answers, as follows, viz.:—“The Governor requests that Major Ross will assemble the officers of the detachment now at head-quarters, and report to him their separate opinions, ‘whether or not they think it their duty to sit as members of the criminal court established in this

Officers as
members of
Criminal Court.

1789.
5 June.

Officers as
members of
Criminal Court.

country.' This the Governor desires, as Major Ross, their commandant, is of opinion they do not think it a part of their duty. Captain Campbell having already given his opinion, the Governor does not wish to press him further on that head."

Major Ross's question to the officers of the detachment at head-quarters:—"Whether they look upon sitting at the criminal court as a military duty, or an extra duty in compliance with an Act of Parliament, and whether they had any knowledge of it before their arrival in this country?"

Answer by Captain-Lieut. Tench:—I had no knowledge of the Act of Parliament previous to my arrival in this country; from the moment I read it I look'd on it as Captain Tench's duty to sit on criminal courts whenever ordered, and still look on it as such.

Answer by Captain-Lieut. Johnston:—Since I saw the Act of Parliament I have always thought it my duty to sit on criminal courts when ordered.

Answer by Lieutenant Creswell:—I had never seen the Act of Parliament in England, but from the time I saw it I conceived it to be a part of my duty to sit on criminal courts when ordered, and not an extra duty, while I remain in this country.

Answer by Lieutenant and Quarter-master Furzer:—I knew nothing of the Act of Parliament before I came to this country, but since I had a knowledge of it I always conceived it to be a part of my duty to sit on criminal courts when ordered.

Answer by Lieutenant Poulden:—Since I saw the Act of Parliament I have always thought it my duty to sit on criminal courts when ordered.

Answer by Lieut. J. Johnstone:—I saw the Act of Parliament before I left England, and always conceived it to be a part of my duty to sit on criminal courts when ordered.

Answer by Lieut. J. M. Shairp:—I saw the Act of Parliament before I left England, and always conceived it to be a part of my duty to sit on criminal courts when ordered, during the time of my remaining in this country.

Answer by Lieut. Davey:—I had not any knowledge of the Act of Parliament until I came into this country, but since that time I have ever conceived it to be a part of my duty to sit on criminal courts when ordered.

Answer by Lieut. Clarke:—I had not any knowledge of the Act of Parliament until I came into this country, but from the moment I read it I considered it as a part of my duty to sit on criminal courts when ordered, while I remain in this country.

Answer by Lieut. Dawes:—I knew nothing of the Act of Parliament till I heard it read in this country, and from that time I considered it my duty to sit on criminal courts when ordered.

Answer by Lieut. and Adjutant Long:—I knew nothing of the Act of Parliament when I left England, but since I heard it read in this country have considered it as a part of my duty to sit on criminal courts when ordered.

1789.
5 June.
Major Ross' conduct.

Answer by Lieutenant Faddy:—I knew nothing of the Act of Parliament till I heard it read in this country; since that time I have always thought it my duty to sit on criminal courts when ordered.

R.R., Major.

[Enclosure No. 7.]

QUESTIONS TO OFFICERS.

Sydney Cove, 28th May, 1789.

It having been reported that the major-commandant of the detachment did, in the presence of many of the officers, declare that the Governor's calling on Captain James Campbell to sit as a member of the criminal court, established by Act of Parliament for the trial of criminal causes in this country, was oppressive, and that the said major-commandant did publicly address the officers then present in order to induce them to concur with Captain Campbell in refusing to acknowledge the duty of the criminal court to be any part of the officers' duty, and to persuade them to refuse sitting as members of the said criminal court, I am, in consequence of the said report, desired by the Governor to call upon such officers of the detachment who were present at that meeting, and to put the following questions to them, in order that it may be known how far the said report is founded in truth.

Question 1:—Was there such a meeting, and what reason was assigned by the major-commandant of the detachment for assembling the officers?

Question 2:—Did the major-commandant at that meeting say that the Governor's conduct in calling on Capt. Campbell to sit in his turn as a member of the criminal court was oppressive?

Question 3:—Did he ask the officers to join Capt. Campbell in refusing to sit as a member of that court, or what was said on that subject?

Answer to question 1, by Captain-Lt. Tench:—The meeting was held on Monday, the 27th of April, by order of the major-commandant. The reason he assigned for such meeting was to repeat a conversation he had had with the Governor, to lay before them a letter he had received on service from Capt. Campbell in consequence of a correspondence he had had with the Judge-Advocate, and to read the letters which had passed between them, all of which were read to the officers by the adjutant.

1789.
5 June.
Major Ross'
conduct.

Answer to question 2:—To the best of my recollection the major-commandant said he had told the Governor that his conduct respecting Capt. Campbell was oppressive, and that officers were not to be driven in cases where they did not feel themselves at ease to act, they were not to be compelled. I recollect that the major made use twice of the word “oppressive” in speaking of the Governor’s conduct.

Answer to question 3:—He did not ask the officers to join Capt. Campbell in refusing to sit as members of the criminal court, but it is my opinion that the whole tenor of Major Ross’s conversation pointed that way. My reason for thinking so is that Major Ross more than once mentioned to the officers assembled that he had told the Governor that both he and the officers at large considered the sitting as members of the criminal courts as what they volunteered, not as a duty.

WATKIN TENCH,
Captain-Lt. of Marines.

Answer to question 1, by Lieut. Creswell:—There was such a meeting, and the reason assigned was to read the letters that had passed between the Judge-Advocate and Capt. Campbell, and to mention a conversation he had had with the Governor, and to say that the adjutant had a question to put to the officers who composed the last criminal court.

Answer to question 2:—I cannot say that the major-commandant said that the Governor’s conduct was oppressive in calling on Capt. Campbell, but I understood him that he had told the Governor so, and that officers were not to be driven, or words to that effect.

Answer to question 3:—He did not ask such a question; but as far as opinion goes, the tenor of his conversation seemed to lead towards getting officers to be of Captain Campbell’s opinion. But this is merely opinion.

JOHN CRESWELL.

Answer to question 1, by Capt.-Lt. Johnston:—There was such a meeting. The reason assigned was to lay before them the correspondence between the Judge-Advocate and Captain Campbell.

Answer to question 2:—The officers in speaking about the duty of the criminal court, one of them said it was, though an unpleasant duty, yet certainly a part of their duty; Major Ross replied it was an oppressive duty.

Answer to question 3:—I do not recollect that the major asked the officers to join in refusing with Captain Campbell to sit as members of the criminal court, but recollect his saying that officers were not to be driven, and believe he wished them to concur with Capt. Campbell’s refusal.

GEORGE JOHNSTON.

Answer to question 1, by Lieut. Poulden:—There was such a meeting, and the reason assigned was to lay before it the letters from the Judge-Advocate and Captain Campbell.

1789.
5 June.

Major Ross' conduct.

Answer to question 2:—I do not recollect that the word “oppressive” was applied particularly to Capt. Campbell being ordered to sit at that court, but that it was meant, generally speaking, of that duty.

Answer to question 3:—I do not recollect that the major asked the officers to concur with Captain Campbell in refusing to sit at that court.

JOHN POULDEN.

Question to Lt. Long, adjutant of the detachment:—Did you assemble the officers of the detachment by direction of the major-commandant on Monday, the 27th of April?

Answer:—I did.

Question:—Was anything said at that meeting by the major-commandant that, in your opinion, tended to induce the officers present to decline sitting in future as members of the criminal court?

Answer:—Major Ross, when speaking of the duty, and on being reminded that there was an Act of Parliament for it, said that he not only thought it hard that officers should be obliged to sit as members of the criminal court, but oppressive in the highest degree.

JOHN LONG,

Lieut. and Adj. Marines.

Taken and subscribed before me,—DAVID COLLINS.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

5th June, 1789.

[A despatch was written to the Admiralty similar to that sent to Lord Sydney, excepting the addition of the statement to paragraph six that “the senior officers of the Navy have always been called on when in the harbour.”]

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

5th June, 1789.

[A copy of this despatch has not yet been found. It was a circular letter announcing Grenville's appointment as Secretary of State in the Home Department, and was acknowledged by Governor Phillip, 14th June, 1790, being received per transport *Lady Juliana*.]

1789.
19 June.

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.
(Despatch No. 1, per transport Lady Juliana; acknowledged by Governor Phillip, 17th June, 1790.)

Sir,

Whitehall, 19th June, 1789.

The ship Lady Juliana having been taken up for the purpose of conveying to Port Jackson about 240 female convicts, sentenced to be transported, I avail myself of that opportunity of acknowledging the receipt of your dispatches numbered from 1 to 7 inclusive,* with numbers 9, 10, and 11, and of acquainting you at the same time that his Majesty is graciously pleased to approve of your conduct in the execution of the arduous and important service which has been committed to your care.

Despatches.

Female
transportees.

The service of the unfortunate women on board the Lady Juliana† will, upon their landing at Port Jackson, be transferred to you, and you will cause them to be employed in such manner as may be most conducive to the advantage of the settlement. The attention paid by you to the proceedings of those who accompanied you thither, with the view to preventing an indiscriminate intercourse with the convicts of a different sex, is extremely commendable, and leads his Majesty to entertain a well-grounded hope that the same watchful care will be taken on your part on the present occasion, and that you will continue the exertions you have hitherto so successfully made for the promotion of matrimonial connexion between the unmarried people‡—a measure which must tend to the improvement of their morals, and is indispensably necessary for securing the general peace and happiness of the settlement.

Stores to be
forwarded.

You will see by the enclosed invoice and bill of lading the several tools and implements, articles of clothing, provisions, &c., which have been put on board the Lady Juliana. That ship will be followed in about a fortnight by his Majesty's ship the Guardian. By the last-mentioned ship you will receive a farther supply, equal to about three times the quantity embarked on board the former, which, excepting in the article of provisions, you will find nearly to correspond with the estimates accompanying your letters upon that subject, and as these stores and provisions have been procured at a very considerable expence, it is to be hoped that you will appropriate them to the best possible advantage.

Convicts to be
transported.

In the course of the autumn I expect that about 1,000 more convicts of both sexes will be embarked from the several gaols, and despatched to Port Jackson, together with a suitable proportion of clothing and provisions for their use. This measure will render it necessary that you should make arrangements for their accommodation, as well as for their employment, on their arrival.

The soil of Port Jackson, which you have very properly chosen, from the very extensive harbour it possesses, is certainly a far preferable situation to Botany Bay, but, according to the information hitherto obtained from you, it does not appear to be as fertile as could have been wished, and exclusively of that consideration, the number of natives inhabiting its vicinity must render its cultivation both difficult and dangerous, particularly whilst they continue to avoid any friendly intercourse with the settlement.

From these circumstances, Norfolk Island, where the settlers possess the advantage of a luxurious soil, and carry on their operations unmolested by any other inhabitants, is, I conceive, the most favourable position, and were it not from the great labor and expence incurred already at Port Jackson, I should have been inclined to have recommended that island's being made the principal settlement,* but although, from the circumstance which I have mentioned, this appears now to be impracticable, I think you will do right to increase its present establishment, as far as you conveniently can; and if any similar situation equally advantageous should be discovered, you will detach thither a considerable part of the convicts who will be sent out in the next ships. The Guardian will have on board about twenty-five convicts who are either artificers or persons accustomed to agriculture, and also eight or ten superintendents, who have been engaged in consequence of your recommendation of the measure; to each of the latter an annual salary of £40† will be given in addition to the ration of provisions, and I have no doubt they will be found to be extremely useful in the new settlements.

The obstacles which have occurred with respect to bringing to trial the officers of the corps of marines, by general court-martial,‡ under the authority with which you have been furnished, would, had the detachment continued in the settlement, most likely have been removed by an interference of Parliament, but as that detachment is so shortly to be relieved, it is to be hoped that no further inconvenience will be experienced during their continuance abroad.

It is but reasonable that the persons you have employed for the purpose of taking charge of the issues of provisions and stores should receive a suitable compensation for their services, I shall therefore have no objection to the recommending the payment of any moderate charge you may bring forward for that purpose in your contingent accounts.§ I have, &c.,

W. W. GRENVILLE.

[Enclosures Nos. 1 and 2.]

[Copies of the invoice and bill of lading of stores, per transport *Lady Juliana*, have not yet been found.]

* Note 98. † Note 99. ‡ Note 100. § Note 101.

1789.
19 June.
Port Jackson
approved of.

Opinions *re*
Norfolk Island.

Court-martials.

Commissariat
officers.

1789.
19 June.

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 2, per transport Lady Juliana; acknowledged by Governor Phillip, 17th June, 1790.)

Sir,

Whitehall, 19th June, 1789.

The discontents which have prevailed in the marine detachment, and the desire expressed by most of the officers and men to return home as soon as they shall have performed the tour of duty they had undertaken, have led to the making arrangements for relieving them. With that view his Majesty has ordered a corps to be raised for that particular service, consisting of three hundred rank and file and a suitable number of officers, under a major-commandant.* This corps is ordered to be in readiness for embarkation on the 1st of October next, and will, it is expected, soon after that time proceed upon the voyage.

New South
Wales Corps.

Marine Corps.

According to the engagements made with the marine detachment, any of the non-commissioned officers and men who may have behaved well are, if they desire it, to be allowed to quit the service on their return to England, or to be discharged abroad, upon the relief (originally designed to take place at the expiration of three years after their landing), and to be permitted to settle in the country if they prefer it. It is probable that some of these people will be desirous of continuing there, and as settlers of that description will be of great utility, not only for the purposes of protection and defence, but for the cultivation of the land, it is thought advisable that every reasonable encouragement should be held out to them to remain there.

If any part of this detachment can, however, be prevailed upon to enlist and add strength to the new corps, it will be by far the most desirable plan, and in order to induce any of the non-commissioned officers or men so to do you are at liberty to offer to each a bounty of £3; at the same time to assure them that in case of a proper demeanour on their part they will, after a further service of five years, be allowed their discharge and a suitable quantity of land, together with such a proportion of tools and implements for agriculture as may be necessary for their cultivating the same, and also a supply of seed grain and of provisions for their subsistence for one year.

Relief of
marines.

As the time for the relief of the marine detachment approaches, it will be inconvenient to wait for any farther opinion from you upon the mode and conditions of granting lands to the persons above mentioned who may claim their immediate discharge, and may be willing to settle in the country, or to

* Note 102.

other persons who may resort to that part of the world with a view of becoming settlers. I shall therefore avail myself of an early opportunity of submitting to his Majesty's consideration the draft of an instruction to you for your guidance in that respect, and you may expect to receive his Majesty's commands thereupon by the next vessel that sails from home for New South Wales.

1789.
19 June.

I have, &c.,

W. W. GRENVILLE.

UNDER SECRETARY NEPEAN TO GOVERNOR PHILLIP.

(Per transport Lady Juliana; acknowledged by Governor Phillip, 16th June, 1790.)

Dear Sir,

Whitehall, 20th June, 1789.

20 June.

I have been favoured with your letters of the 5th, 9th, and 10th of July, 28th of Sept'r, and 16th Nov'r last, and have laid them, with their several inclosures, before the Secretary of State.

You will find by letters to you from Mr. Secretary Grenville, ^{Stores.} which you will receive by the present conveyance, that considerable quantities of clothing, provisions, medicines, tools, implements, &c., have been put on board the Lady Juliana and Guardian, and care will be taken to forward from time to time every proper necessary supply until the settlement shall be in a condition to provide for the support of its establishment.

The families of Noah Mortimer and Edward Westlake will ^{Settlers.} have a passage provided for them in the convoy expected to depart from hence early in the month of October next, if they are desirous of imbarcking for that country.*

The Guardian will sail in about a fortnight,† by which ship you will receive instructions relative to the granting of lands, and such other information as may be judged necessary for your guidance, together with a remittance for the paying the artificers of the marine detachment for the services they have performed. ^{The store-ship Guardian.}

I am, &c.,

EVAN NEPEAN.

UNDER SECRETARY NEPEAN TO GOVERNOR PHILLIP.

? June, 1789.

[A copy of this letter, giving directions upon the rations to be issued to the marines, has not yet been found. It was transmitted per transport Lady Juliana and acknowledged by Governor Phillip, 16th June, 1790.]

* Note 103. † Note 104.

1789.
22 Aug.

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.
(Despatch No. 3, per store-ship *Guardian* to the Cape of Good Hope, thence by transport *Lady Juliana*; acknowledged by Governor Phillip, 17th June, 1790.)

Sir, Whitehall, 22nd August, 1789.

Instructions
re land grants.

I transmit to you herewith an instruction under the royal sign manual with respect to the grants of land to be made to the several non-commissioned officers and private marines who may be desirous of remaining within your Government upon the relief of the detachment, as also to such other persons as may be disposed to become settlers, and I have no doubt of your exact compliance with his Majesty's commands, as signified to you by this instruction.

If any farther regulations should appear to you to be necessary for the purpose of promoting the settlement and cultivation of the lands within your Government, you will take the earliest opportunity of apprising me of your opinion thereupon, that I may submit the same to his Majesty's consideration.

I have, &c.,
W. W. GRENVILLE.

[Enclosure.]

PHILLIP'S INSTRUCTIONS *re* LAND GRANTS.

Additional Instructions to Our Trusty and Well-beloved Arthur Phillip, Esq., Our Captain-General and Governor-in-Chief in and over Our Territory called New South Wales. Given at Our Court at St. James, the twentieth day of August, 1789, in the twenty-ninth year of our reign.

WHEREAS it has been represented unto Us that assurances were given to the non-commission officers and men belonging to the detachment of Our Marine Forces serving on the continent of New South Wales that such of the said non-commission officers and men as shall have behaved well shall be allowed to quit Our Service on their return to England, or be discharged abroad upon the relief (designed to take place at the expiration of three years after their landing) and be permitted to settle in that country.* And whereas it is probable that in consequence of that engagement some of the said non-commission officers and men will be desirous of continuing in that settlement or upon the islands comprised within Your Government: And as persons of that description will be of great utility in the new settlements, not only for the purposes of protection and defence, but for the cultivation of the land: We have thought it advisable that every reasonable encouragement should be held out to them to induce them to be aiding in such salutary purposes. It is therefore Our

* Note 72.

Royal Will and Pleasure that You do issue Your Warrant to the Surveyor-General to survey and allot to such of the non-commission officers and men as shall be disposed to become settlers within Your Government, on their desiring the same, the proportions of land hereinafter mentioned, subject, however, to the following conditions and regulations:—

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22 Aug.

Instructions
re land grants.

To every non-commission officer one hundred acres, and to every private man fifty acres, over and above the quantity directed by Our General Instructions to You to be granted to such convicts as may hereafter be emancipated or discharged from their servitude,* free of all fees, taxes, quit rents, and other acknowledgements for the space of ten years; but after the expiration of that time to be liable to an annual quit rent of one shilling for every ten acres.

And whereas it will be of advantage to Our Service that the non-commission officers and men disposed to continue in New South Wales or the islands dependant thereon can be prevailed upon to enlist into the corps appointed for their relief: It is Our farther Will and Pleasure, and You are hereby authorised to offer to each of them a bounty of £3 per man, at the same time to assure them that in case of a proper demeanor on their part they shall, after a farther service of five years, be entitled to double the proportion of land that would be granted to them, provided they should quit Our Service on the intended relief, free of all fees, fines, quit rents, &c., for the space of fifteen years, subject, however, after that time to the same quit rent for every ten acres as is specified in the preceding article of these Our Instructions.

And as a farther encouragement to the non-commission officers and men composing the detachment of Our Marine Forces serving on the continent of New South Wales or the islands dependant thereon who may be disposed to continue therein: It is our farther Will and Pleasure that you do upon their discharge, either on the intended relief or after a farther service of five years, issue to them out of the publick stores a proportion of clothes and of provisions for their subsistence for one year, together with a suitable quantity of seed grain for the tillage of the land, to be granted to them as before mentioned, and also a proportion of tools and implements proper for their use.

And whereas from the disposition of many people to emigrate from this country there is a great probability that some of them may be desirous of becoming settlers in New South Wales or the said islands dependent thereupon: It is also Our Will and Pleasure that in case persons of that description should arrive from hence, or from any other part of Our Dominions, and apply

* Note 96.

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22 Aug

Instructions
re land grants.

to You for grants of land, You do afford them every encouragement that can be given in that undertaking, without subjecting the public to expence; and that grants of land to such amount as you shall judge proper shall be made out for each person applying, not exceeding, however, in quantity the number of acres which you are hereby instructed to grant to the non-commission officers before mentioned, and subject to the same quit rents payable unto Us at the expiration of five years after the passing of such grant.

And whereas many of the non-commission officers and men of the marine detachment, or other persons who may become settlers upon Our said continent of New South Wales, or the said islands dependant thereupon, may be desirous of availing themselves of the labour of part of the convicts now under your orders: It is Our Will and Pleasure, that in case there should be a prospect of their employing any of the said convicts to advantage, that you assign to each grantee the service of any number of them that you may judge sufficient to answer their purpose, on condition of their maintaining, feeding, and clothing such convicts in such manner as shall appear satisfactory to You, or to Our Governor of New South Wales for the time being.

You are to take care that all grants to be given of lands in Our said continent or islands be made out in due form, and that the conditions required by these Our instructions be particularly and expressly mentioned in the respective grants. That the same be properly registered, and that regular returns thereof be transmitted by the proper officers to Our Commissioners of Our Treasury and to the Committee of Our Privy Council appointed for all matters of Trade and Foreign Plantations within the space of twelve months after the passing of such grant.*

It is also Our Will and Pleasure that in all grants of land to be made by You, as aforesaid, regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionable number of one sort and of the other, as likewise that the breadth of each track to be hereafter granted be one-third of the length of such track, and that the length of such track do not extend along the banks of any bay or river, but into the mainland, that thereby the said grantees may have each a convenient share of what accommodation the said harbour or river may afford for navigation or otherwise.

It is also Our Will and Pleasure that between every two such grants of one hundred acres or of fifty acres, and adjacent to one of them, you do reserve for the benefit of Us, Our Heirs and Successors, a space of ten acres in breadth and of thirty acres in length, which spaces so reserved You are not to grant without

Our special direction and license; but You are at liberty to lease the same for any term not exceeding fourteen years, and on such terms and conditions as You shall judge advantageous to Our service.

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22 Aug.

Instructions
re land grants.

And whereas it has been found by experience that the settling plantees in townships hath very much redounded to their advantage, not only with respect to the assistance they have been able to afford each other in their civil concerns, but likewise with regard to their security, You are therefore to lay out townships of a convenient size and extent, in such places as You, in Your discretion, shall judge most proper; having, as far as may be, natural boundaries extending up into the country and comprehending a necessary part of the sea-coast, where it can be conveniently had.

You are also to cause a proper place in the most convenient part of each township to be marked out for the building a town sufficient to contain such a number of families as You shall judge proper to settle there, with town and pasture lots convenient to each tenement, taking care that the said town be laid out upon or as near as conveniently may be to some navigable river or the sea-coast; and You are also to reserve to Us proper quantities of land in each township, for the following purposes, viz., for erecting fortifications and barracks, or for other military or naval services, and more particularly for the building a town-hall, and such other public edifices as you shall deem necessary, and also for the growth and production of naval timber, if there are any woodlands fit for that purpose.

And it is Our further Will and Pleasure that a particular spot in or as near each town as possible be set apart for the building of a church, and four hundred acres adjacent thereto allotted for the maintenance of a minister, and two hundred for a school-master.

And whereas it is necessary that a reasonable compensation shall be made to the Surveyor-General of Our lands for surveying and laying out of the said lands for the use of such persons who may be disposed to become settlers in the said continent or islands dependant thereupon, We have thought fit to establish the table of fees hereunto annexed, which You are to allow him to demand from all persons whatsoever, excepting the non-commission officers and men of the detachment of Our Marine Corps, or to convicts emancipated or discharged, who are not to be subjected to the payment of such fees.

You are to cause the above-mentioned table of fees to be hung up in one of the most public places, that all persons concerned

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22 Aug.
Instructions
re land grants.

may be apprised of the demands which may be demanded of them on their taking up lands within the said continent or islands dependant thereon.

FEES ON LAND GRANTS, 1789.

Governor's Fees.

	£	s.	d.
For the Great Seal to every grant not exceeding 1,000 acres	0	5	0
For all grants exceeding 1,000 acres, for every 1,000 acres each grant contains	0	2	6
For a license of occupation	0	5	0

Secretary's Fees.

For every grant, and passing the seal of the provinces, if under 100 acres	0	5	0
Between 100 and 500 acres.....	0	10	0
All above	0	15	0
For grants of land where the number of proprietors shall exceed twenty, each right	0	2	6
For do. where the number shall not exceed twenty, the same as for grants in proportion to the quantity of land.....	0	2	6
For every license of occupation of land....	0	2	6
For every grant from 1,000 to 20,000—for the 1st 1,000 acres 15 shillings, and for every 1,000 acres more 2s. 6d.			

Fees to be taken by the Chief Surveyor of Land.

For every lot under 100 acres	0	2	6
From 100 to 500 acres	0	5	0
Above 500 acres.....	0	7	6
Every township, if above 20 rights, each right	0	2	6

Auditor's Fees.

For the auditing of every grant	0	3	4
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Registrar's Fees.

For recording a grant of land for or under 500 acres	0	1	3
„ from 500 to 1,000 acres	0	2	6
For every 1,000 acres to the amount of 20,000	0	0	6
For recording the grant of a township	1	0	0

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 4, per store-ship Guardian to the Cape of Good Hope, thence per transport Lady Juliana; acknowledged by Governor Phillip, 17th June, 1790.)

Sir,

Whitehall, 22nd August, 1789.

As from the increase in the number of convicts sent to New South Wales, and from the distance of the settlements from each other, one person will not be able to attend in a proper manner to the performance of the religious duties of the colony, his Majesty has judged it expedient that an additional clergyman should proceed thither, and has accordingly appointed the

Assistant
Chaplain.

Rev'd. John Crowther,* a gentleman of exemplary character, to be assistant chaplain, with a salary of eight shillings per diem, to be charged in the estimate; he will take his passage in the Guardian, and receive your orders with respect to his place of residence.

1789.
22 Aug.

I have, &c.,

W. W. GRENVILLE.

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 5, per store-ship Guardian to the Cape of Good Hope, thence per transport Lady Juliana; acknowledged by Governor Phillip, 20th June, 1790.)

Sir, Whitehall, 24th August, 1789. 24 Aug.

I enclose to you herewith a general invoice and bill of lading of sundry articles of clothing, tools, implements for agriculture, medicines, &c., which have been provided by Government, and shipped on board the Guardian, for the use of the convicts and other persons residing within the limits of your Government. The heavy expence which attends the providing of these articles, and the sending them out to New South Wales, makes it extremely necessary that you should pay the utmost attention to appropriate them to the best advantage, and that you should from time to time transmit to me particular accounts of your proceedings in this respect.

Stores per
Guardian.

The provisions which that vessel and the Lady Juliana contain are calculated, as you will see by the inclosed estimates, to afford an ample supply for a considerable time. I have no doubt that you will carefully attend to the manner in which they are issued, and I must particularly recommend to you to use every practicable exertion in order to put the colony in such a situation as not to depend on Great Britain for its supply in the articles of provisions.

A farther proportion of these articles will accompany the convicts who are to be sent out in the autumn, but I cannot help flattering myself that after that period very little farther aids will be wanted from this country for the subsistence of the convicts. You will attend very particularly to this subject, and send me by the first opportunity an account of what you conceive to be the situation of the colony in this respect. One thousand and five barrels of flour, part of the intended supply, which the Guardian could not conveniently store, will be forwarded to you by the next ships that proceed to New South Wales.

Further
shipments.

I have acquainted you in a former letter that in consequence of your representation of the want of proper persons to instruct the convicts in the manner of tilling the land and to superintend their labor, his Majesty was pleased to authorize me to nominate

Superintendents
appointed.

1789.
24 Aug.

nine persons to be sent out for that service. These people proceed to New South Wales in the *Guardian*, and on their arrival will put themselves under your orders; they have been engaged for the term of three years, and, in addition to the ration of provisions with which they are to be supplied out of his Majesty's stores, they will each of them be allowed a salary of £40 a year, which will be brought forward in the estimate to be annually laid before Parliament, and to be voted in like manner as the rest of the salaries charged on the civil establishment of your Government. I enclose a list of their names and qualifications. You will understand that during the period of their engagement they are not to be allowed to settle any land on their own account.

Your proposal of sending out a few artificers you will find upon the arrival of the *Guardian* has also been attended to, by the embarkation of twenty-five convicts of that description. Their service* will be transferred to you by her commander, who has entered into the contracts required by law for that purpose.

I have, &c.,

W. W. GRENVILLE.

[Enclosure No. 1.]

LIST OF GOODS SENT BY THE GUARDIAN, 1ST JUNE, 1789.

150 sail-needles	310 fishing-lines	1,237½ do. plain do.
3,000 fish-hooks	72 chalk-lines	2,025 do. brown cloth
12 stock locks	675 p'r men's yarn	1,125 yds. bags for
20 casks — 8d., 10d.,	hose	children
12d., 18d., 24d.,	600 p'r women's hose	75 p'rs small blankets
nails	5,625 lb. thread, as-	1,545 do. hospital do.
75 painters' brushes	sorted	705 do. do.
7½ rheams cartridge	30 M. needles	225 hammocks
paper	900 men's hats	600 palliasses
900 pairs of men's shoes	600 women's do.	7,500 lb. oatmeal
600 pairs of women's do	55 boys' do.	900 women's neck-
75 pairs of children's	19,425 y'ds. osnaburghs	kerchiefs
do.	11,250 y'ds. sheeting	15 barrels gun-
1,500 lb. soleing leather	1,056¾ y'ds. sail-cloth	powder, F
700 lb. twine, assorted	2,362½ do. napt bags	2,250 lb. portable soup
1,008 pieces of tape.	500 do. worsted tape.	

For the Hospital :—

3,000 lb. of brown sugar	3,000 lb. currants	150 lb. cloves
1,500 lb. of loaf do	113½ lb. cinnamon	4,433 lb. pearl barley
1,477 lb. of sago	112½ lb. nutmegs	687 lb. tamarinds
14,913 lb. rice	Medicines amounting to £420.	

[Enclosure No. 2.]

[A copy of the bill of lading of goods per *Guardian* has not yet been found.]

[Enclosure No. 3.]

[A copy of the calculation for the Commissariat Department has not yet been found.]

* Note 96.

[Enclosure No. 4.]

SUPERINTENDENTS ON BOARD THE GUARDIAN.

1789.
24 Aug.

Whitehall, August 24th, 1789.

LIST of superintendents of convicts ordered to be received on board the Guardian for their passage to New South Wales:—

James Smith, George Austin, gardeners, lately employed in the King's Botanical Garden at Kew; Philip Schaffer, formerly a lieutenant in one of the Hessian corps which served in America, has been accustomed to farming; Thomas Clarke, a farmer; Philip Divine, Andw. Hume, understand farming, have lately been employed by Mr. Duncan Campbell as superintendents of convicts at Woolwich; James Reid, formerly an American planter, and has been commander of a merchant ship; John Barlow, John Thos. Dodge, have served as officers in the Army, the former a good surveyor, and has also been employed as an engineer at Jamaica.

SECRETARY STEPHENS TO GOVERNOR PHILLIP.

(Per transport Lady Juliana; acknowledged by Governor Phillip, 17th July, 1790.)

28th August, 1789.

28 Aug.

[Three despatches as above were forwarded, copies of which have not yet been found.]

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Per transport Neptune; acknowledged by Governor Phillip, 14th July, 1790.)

Sept.-Dec., 1789.

[A copy of this despatch has not yet been found. It was a despatch probably of the circular type, dated between September and December, 1789, giving instructions as to the treatment of the Spanish exploring vessels *Descuierta* and *Atrevida*. See the despatch of Lieut.-Gov. Grose to the Right Hon. Henry Dundas, dated 19th April, 1793.]

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 6, per transport Scarborough*; acknowledged by Governor Phillip, 14th July, 1790.)

Sir,

Whitehall, 24th December, 1789.

24 Dec.

In my letters of the 20th June† and 24th August, I informed you that it was the intention of Government that a farther number of convicts should be sent out in the autumn, with a view to your making such arrangements as might be necessary for their reception. I am now to acquaint you that

* Note 107. † Note 108.

1789.
24 Dec.

The second
fleet.

measures have been taken for that purpose, and that nine hundred and thirty males and seventy-eight females* have been embarked on board the ships named in the margin,† now assembled at Spithead, and in readiness to depart the moment the wind proves favourable for their proceeding down Channel.

The number of female convicts bearing a great disproportion to that of the males, it was thought advisable that such of the latter as were married should be allowed to take their wives with them on board the ships in which they have been embarked, or even women that cohabited with them; but notwithstanding the indulgence held out to them of supplies of provisions and clothing, very few of the two latter descriptions of women have been prevailed upon to accede to the proposal. Such of them, however, as shall arrive within the limits of your Government are to be furnished with the same proportions of those articles as the female convicts.

Supplies.

The three ships above mentioned, and the Justinian, which has been taken up as a store-ship, and now in the river under orders to follow, contain a large supply of clothing, provisions, tools, &c., the particulars of which are specified in the inclosed estimates. All these articles will be found to be of the first quality, and will, I hope, be applied to the best possible advantage.

Detachment to
Norfolk Island.

After the arrival of these ships it will be extremely desirable that you should, if no other more eligible situation shall have presented itself to you since your last communications, take the earliest opportunity that circumstances will admit of detaching a considerable number of the convicts to Norfolk Island, with a suitable proportion of provisions, &c. But as the ships in which they are now embarked are chartered by the East India Company to bring home teas from China, it will be necessary that the convicts, with the stores, provisions, &c., on board them, should be landed at Sydney, and that the ships should be discharged, and left at liberty to proceed upon their voyage as soon as possible, employing the services of the Supply, tender, in removing such convicts and stores to Norfolk Island or elsewhere whenever that arrangement can be carried into effect. The disembarking the convicts at Sydney, exclusive of the consideration before mentioned, seems indeed to be a measure highly necessary, as from the length of the passage from hence, and the nature of their food, there is every reason to expect that many of them will be reduced to so debilitated a state that immediate relief will be found to be expedient for the preservation of their lives.

New South
Wales Corps.

The corps which I before informed you was to be raised to serve within your Government, instead of the marines now doing duty there, has been complete for some time past. A detach-

* Note 109. † Surprise, Scarborough, Neptune.

ment from it, consisting of about 100 officers and men, has been put on board the convict ships for their greater security against any attempts which the convicts might meditate, and the remainder, under the command of Major Grose, amounting, as you will see by the enclosed establishment, to upwards of 200 more, will, I expect, embark at Portsmouth on board her Majesty's ship the Gorgon in the course of a few days.

1789.
24 Dec.

Major Grose has been appointed to succeed to the Lieut.-Government of N. S. Wales,* and on his arrival you will direct Major Ross and the officers of the marine corps serving under his command, together with such of the non-commission officers and private men as may be desirous of returning home, to be embarked as soon as possible for that purpose.

Major Grose.

I am led to hope from the bounty and other indulgences which you have been authorized to offer to the non-commission officers and men that many of them will be induced to remain within your Government; and if such a number of them as shall be sufficient to compose a company equal to those of the new corps can be prevailed upon to accede to your proposals, his Majesty in such case has signified his intention of allowing you to recommend any three officers from amongst the marines already holding the rank of captain, 1st lieutenant, and 2d lieutenant, whom you may judge to be most deserving of his Majesty's favor, to be appointed to that company, and to be incorporated in the new corps with the rank of captain, lieutenant, and ensign. This measure will, however, be notified to you through his Majesty's Secretary at War by the Gorgon.† In the meantime you will make your arrangements accordingly.

Marines.

From the present crowded state of the hulks, and the increase which must be expected of the number of felons under sentence of transportation, not only in this kingdom, but in Ireland, after the next Spring Assizes, it is intended that about one thousand men shall be sent abroad, and preparations must be made for their reception. With these last-mentioned convicts it is proposed that an additional company of troops shall be embarked, which, upon their arrival within your Government, will be annexed to the new corps, and will compose a force, I hope, competent to every necessary service that may occur.

1,000 more
transportees.

The promoting Lieutenant King to the rank of master and commander cannot be done without much difficulty and inconvenience; but as his services at Norfolk Island merit some mark of favor, I have submitted to his Majesty's consideration the appointing Mr. King to be Lieutenant-Governor of that island; and I have the pleasure of informing you that his Majesty has

Lieut. King.

* Note 110. † Note 111.

1789.
24 Dec.

been pleased to order a commission to be prepared for that purpose, to which appointment will be annexed a salary of £250 per annum, payment of which will be provided for in the next estimate to be laid before Parliament, together with a salary for the Deputy-Commissary of Stores and Provisions. I am, &c.,

W. W. GRENVILLE.

[Enclosures Nos. 1 and 2.]

[Copies of the Estimates of Stores on the Second Fleet and of the Establishment of the New South Wales Corps have not yet been found.]

COMMISSIONERS OF THE NAVY TO GOVERNOR PHILLIP.

? December, 1789.

[A copy of this letter has not yet been found. It gave instructions re the transports of the Second Fleet, and was acknowledged by Governor Phillip, 24th July, 1790.]

GOVERNOR PHILLIP TO LORD SYDNEY.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Lord Grenville, 19th February, 1791.)

Government House, Sydney Cove,

My Lord,

Feb. 1st, 1790.

1790.
1 Feb.

As every obstacle thrown in the way of the civil government is rendered doubly embarrassing from our situation, and which does not permit those steps which would be taken on similar occasions in any other of his Majesty's settlements, I am under the disagreeable necessity of laying the following particulars before your Lordship.

Few nights having past for several months in which individuals had not suffered by having their gardens robbed, or by losing of poultry, I found it necessary to establish a watch, and the regulations (No. 1) when drawn up were sent to Major Ross for his opinion respecting the detachment, and which he approved of, some little change being made at his request. The watch was then established, and which so fully answered the purpose that for three months not a single robbery was committed in the night.

The watch consisted of twelve convicts. They assembled immediately after the tap-too had beat, and patroll'd during the night. No complaint was ever made of them. They were particularly cautioned against having any dispute with a soldier or sailor, and were promised to be rewarded in future if they were honest and vigilant, which they were, for they acted very properly on several occasions when they met with soldiers or sailors in the night, and they prevented many robberies.

The night
watch.

Soldiers and sailors, when stopped by the watch, were left at the guard-house till the next morning, when, if nothing criminal was laid to their charge, they were delivered to their proper officers. But a soldier being one night stopped by the watch in the convicts' camp, and delivered, as usual, to the guard, Major Ross, the next morning, sent the adjutant to tell the Judge-Advocate (under whose direction I had placed the night-watch), "that he considered a soldier being stopped, when not committing any unlawful act, as an insult offered to the corps, and that they would not suffer themselves to be treated in that manner, or be controuled by the convicts, while they had bayonets in their hands." (Here I must beg leave to observe to your Lordship that the last sentence, respecting the bayonets, was never mentioned to me till after this business was settled, for if it had I should not have been induced to have withdrawn the order, which directed the night-watch to stop a soldier, by so pointed a menace, for I should not have thought it could tend to the good of his Majesty's service.) As soon as I was informed that Major Ross deemed the stopping that soldier by the night-watch an insult offered to the corps, I desired to see him. Soldiers had been frequently stopped in the night by the watch, and I wished to convince him of the necessity of stopping the soldier, as well as the sailor, when found in the convicts' camp or in suspicious places during the night, and the doing which had been the means of preventing many robberies; but I could obtain no other answer than "that it was an insult to the corps; if I wished to say anything further on that subject, he would wait on me the next day with two of his officers, giving me at the same time to understand that by the 5th Article in the Regulations given to the watch I had put the soldiers under the command of the convicts, and which Article, he hoped, would be withdrawn."

Major Ross did not deny but that the robberies which had been so very frequent before the watch was established had been very effectually put a stop to. I had pointed out that robberies had been committed by the soldiers, and by whom the stores had been robbed the year round, which could not have been the case if the watch had been then established, and the little probability there was of detecting a soldier if he was never to be questioned, unless caught in the very act of stealing; but as he persisted in the opinion that it was an insult offered the corps, and that they were put under the command of convicts, no other alternative was left me but to withdraw the order respecting the soldiers, and consequently leave them at liberty to be about the gardens and the stores at all hours of the night, or run the risk of disputes between the soldiers and the watch; and it was not to be supposed

1790.
1 Feb.

The night
watch.
Arrest of a
soldier.

Major Ross'
action.

1790.

1 Feb.The night
watch.

that soldiers would quietly suffer themselves to be stopped by a convict watchman, after such declarations from their commandant, and which were known.

I therefore withdrew the 5th Article of the instructions, so far as it respected the detaining any soldier found straggling after the taptoo had beat, and having examined the report made by the captain of the day to his commandant, the information given me by the Judge-Advocate, and the examination of the watch, though I saw nothing which in my opinion could be deemed an insult to the corps, still, being desirous of doing away that idea, I sent the adjutant to inform his commandant that, though there did not appear to me to have been any insult offered, I was still ready to direct such enquiry to be made as Major Ross might judge necessary, and as he had proposed bringing two officers with him, I desired, if he thought it necessary to see me with two officers, that all the officers at head-quarters might come with him. The answer I received was "that he still thought an insult had been offered the corps, but as he had taken the necessary step, he did not wish any further inquiry." What those necessary steps are I know not, nor do I know if all or any of the officers are of this commandant's opinion; but as I have now laid before your Lordship every information I have received on this business, and the regulations for the watch, with the officer of the guard's report, are enclosed, if I have by giving an improper authority to the convicts employed as a night-watch (and I have none but convicts to employ on such a service) put the soldiers under the command of convicts and insulted the detachment, it will be seen; but if, on the contrary, it appears that, as the only means of preventing those consequences which might naturally have been expected to follow such declarations from the commandant of the detachment, I have been driven to the necessity of withdrawing an order calculated for the public good, and which so fully answered the end proposed, and that I have been without reason accused of insulting those who are under my command, as I have been on a former occasion accused of oppression for calling upon officers in their turn to sit as members of the criminal courts, then I trust and hope that such an inquiry will be ordered as may the most effectually do away such groundless charges.

As I have said that I am a stranger to the officers' opinions on this matter, it may be necessary to inform your Lordship of the state of the detachment, and which will point out my reason for never making any reference to or taking the opinion of officers in any shape. I have always used my endeavours to reconcile

them to their commandant, and have cautiously avoided anything which might tend to have a contrary effect.

Officers have been put under arrest by their commandant, and courts-martial have been demanded, and which have likewise been requested by the officers in defence of their conduct, but no inquiry into the conduct of any individual above the rank of a non-commissioned officer can take place, and the consequences will be obvious to your Lordship, where so little harmony prevails between the commandant and his officers. The strength of the detachment consists of only eighteen officers,* one of whom is on duty at Norfolk Island, and a second has never done any duty since he was appointed by Major Ross; of the sixteen remaining for the duty of this settlement, five have been put under arrest by the commandant, and are only doing duty till a general court-martial can be assembled, in consequence of a sentence passed by them at a battalion court-martial; a sixth officer is suspended in consequence of a representation made by the corps of his unofficerlike behaviour,† a seventh is suspended by his commandant for unofficerlike behaviour in taking a soldier who had been abused by a convict to make his complaint to the magistrates, without having first given information to his commandant; and both adjutant and quarter-master of the detachment have been equally under his displeasure, whilst the Judge-Advocate's conduct has been complained of by Major Ross, as commandant of the detachment, and as the Lieutenant-Governor, and the Judge-Advocate, in his turn, has represented his having been treated in such a manner by the Lieut.-Governor and Captain Campbell, before convicts and others, that he wished to resign his office of Judge-Advocate; and Captain Hunter, who one day in the week, while the Sirius is in the harbour, assists the Judge-Advocate as a Justice of the Peace,‡ thought himself treated on the same occasion so very improperly by the Lieutenant-Governor that he represented it to me, and desired to be excused from that weekly attendance as a magistrate; and had those two officers declined that duty I could not have replaced them, for though other officers have been appointed to act as civil magistrates I have found it necessary to avoid calling on them to act in that capacity.

Your Lordship will excuse my having entered on this detail; it will point out the necessity of some change being made, or an additional force being sent out; and it will prevent my troubling your Lordship further on this subject, as I shall now enclose the letters I have received from the Lieut.-Governor and Judge-

1790.
1 Feb.

The night
watch.
State of
marine corps.

* Note 38.

† Note by Governor Phillip.—“This officer has since returned to his duty, at the desire of Major Ross and all the officers of the detachment.”

‡ Note 86.

1790.

1 Feb.

State of
marine corps.

Advocate to Mr. Nepean*; but I feel myself bound, in justice to the Judge-Advocate, to say that I have seen no cause ever to be dissatisfied with his conduct; on the contrary, I have always found him ready to exert himself for the publick good.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

The night
watch.

The following regulations to be observed by the night-watch appointed for the more effectual preservation of public and private property, and for preventing or detecting the commission of nightly depredations.

A NIGHT-WATCH, consisting of twelve persons,† divided into four parties, is appointed, and fully authorised to patrol at all hours in the night, and to visit such places as may be deemed necessary for the discovery of any felony, trespass, or misdemeanor, and for the apprehending and securing for examination any person or persons that may appear to them concerned therein, either by entrance into any suspected hut or dwelling, or by such other manner as may appear expedient.

2.—Those parts in which the convicts reside are to be divided, and numbered in the following manner:—The convicts' huts and the public farm on the east side of the cove to be the first division. Those at the brick-kilns and the detached parties at the different farms in that district the second division. Those on the western side, as far as the line that separates the district of the women from the men, the third division. The huts occupied from that line to the hospital, and from thence to the observatory, to be the fourth division.‡

3.—These districts or divisions to be each of them under the particular inspection of one person, who shall be judged qualified to inform himself of the actual residence of each individual in his district, as well as of his business, connections, and acquaintance.

4.—Cognisance is to be taken of such convicts as may sell or barter their slops or provisions, as also of such as game for either of the aforesaid articles, and report is to be made of them to the Judge-Advocate.

5.—Any soldier or seaman found stragling after the taptoo has beat, or who may be found in the convicts' huts, is to be detained, and information to be immediately given to the nearest guard-house.

6.—On any person's being robbed during the night, he is to give immediate information thereof to the watch of his district,

* Note 112. † Note 113. ‡ Note 114.

who on the instant of application being made shall use the most effectual means to trace out the offender or offenders, so that he or they may be brought to justice.

1790.
1 Feb.

The night
watch.

7.—The watch of each district to be under the direction of one person, who will be named for that purpose, and all the patrols to be immediately under the inspection of Herbert Keeling.* They are never to receive any fee, gratuity, or reward from any individual to engage their exertions in the execution of the above trust; nor are they to receive any stipulated encouragement for the conviction of any offender; but their diligence and good behaviour will be rewarded by the Governor, and for which purpose their conduct will be strictly attended to by those who are in authority over them.

8.—The night-watch to go out as soon as the taptoo has done beating, to return to their huts when the working-drum beats in the morning, and reports to be made at twelve o'clock to the Judge-Advocate of all robberies and misdemeanors, by Herbert Keeling. Any assistance the patrols may require will be given them on applying to the officer of the nearest guard, and by the civil power if necessary; for which application is to be made to provost-martial.

9.—Any negligence on the part of those who may be employed on this duty will be punished with the utmost rigour of the law.

The night-watch to consist of the following persons:—

Charles Peat.	Wm. Bradbury.
William Hubbard.	Thos. Oldfield.
John Coen Walsh.	Stephen Le Grove.
John Neal.	John Archer.

A. PHILLIP.

7th August, 1789.

DAVID COLLINS, Judge-Advocate.

9th November, 1789.

NOTWITHSTANDING the 5th Article of the regulations established for the night-watch directs that any soldier found stragling after the taptoo has beat, or in the convicts' huts, is to be detained, and information immediately given to the nearest guard, the night-watch are not in future to stop any soldier, unless he is found in a riot, or committing any unlawful act, in which case such soldier is immediately to be taken to the nearest guard.

[Enclosure No. 2.]

[A copy of the report of the officer of the guard has not yet been found.]

* Note 115.

1790.
12 Feb.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Lord Grenville, 19th February, 1791.)

Government House, Sydney Cove,

My Lord,

February 12th, 1790.

I had the honor of informing your Lordship of the state of this colony by the last ships which sailed from hence, and I shall now proceed to lay before your Lordship such circumstances as have occurred since their departure.

In February [1789] the Supply, armed tender, went to Norfolk Island with provisions and twenty-seven convicts, for although the officer who commanded there had but a very small number of free people, and in whom alone he could place any confidence, yet from the apparent impossibility of the convicts succeeding I never supposed they would attempt an escape, and which was the less to be apprehended from the great lenity they had been treated with.

But when the Supply returned I was informed that the convicts had laid a plan for confining the officers and free people on the island, which was to be carried into execution the first Saturday after the Supply or any store-ship arrived.

It was usual for the commandant to go every Saturday to a farm at a small distance from the settlement. There he was to be seized, and they were then to send, in his name, for the surgeon and several others, who, as they came out, were to be confined with him, and the marines, going on Saturdays into the woods to get cabbage-tree, were to be met on their return and confined with the rest, as well as those who came on shore from the ship, after which two convicts were to go off in a small boat belonging to the island and inform those on board that their boat had been staved in landing. This intelligence they supposed would bring more people and boats on shore. The people were to be secured with the others, and the convicts were then to go and take possession of the ship, with which they intended to go to Otaheite, and there form a settlement.

A woman discovered this scheme to a man belonging to the Sirius, with whom she lived, in hopes of persuading him to leave the island, and some of the convicts, being examined, confessed their intentions.*

The commandant, finding there were only three convicts who had not engaged in this affair, and that it would not be possible to send them all away when a ship should arrive, after taking such steps as he judged would prevent their attempting to carry

Transactions
at Norfolk
Island.

their scheme into execution, returned them all to their different labours, and when the Supply arrived he received the convicts sent in her.

1790.
12 Feb.

Transactions
at Norfolk
Island.

The convict who had first proposed the scheme was sent here to be tried; but no capital punishment could be inflicted upon him, as no attempt had been made to carry the scheme into execution.

My former letters mentioned that the officer sent to make the settlement on Norfolk Island, and who I had appointed to remain there as superintendant and commandant, was the second lieutenant of the Sirius. He speaks well of the few he had to depend on, and I beg leave to assure your Lordship that he acted in that affair with great prudence.

It had been thought necessary, after the discovery was made, to cut down all the trees which were within certain distance of the huts, and which probably saved many lives, for in the following month they had a violent hurricane. It came from the south-east, and crossed the island, confining itself to a very narrow space, so that while all the trees on one side of the valley were broken down or torn up by the roots, the trees on the opposite side did not suffer the smallest injury. One tree, which from its situation had been left standing, fell on a granary, which it destroyed. This hurricane was accompanied by very heavy rain, and a torrent of water, which came down from the hills, destroyed all their gardens of Indian corn, as well as doing considerable damage to the provisions.

I do not think the island is subject to hurricanes; if it was, some vestiges would appear, which I am told is not the case. Several of the pines which were blown down measured an hundred and eighty feet in length.

When the Sirius sailed from hence the 2nd of October, 1788, Captain Hunter was to have made the passage round the South Cape, which I am confident will be found the best passage from hence to the Cape of Good Hope; but having the wind southerly when he sailed, he did not attempt that passage, but went round Cape Horn. Arrived at the Cape of Good Hope the 2nd of January. Left it the 20th of February, and anchored here the 8th of May, 1789, having met with a very heavy gale of wind when so close in with the South Cape that it was for some time doubtful if it would be possible to clear it.

Voyage of the
Sirius.

By the Sirius we received some seed wheat and barley and four months' flour for the settlement, which was all that ship could bring, with a year's provisions for the ship's company.

After the arrival of the Sirius the Supply was sent to Norfolk Island with provisions, and carried a lieutenant, one non-commissioned officer, and fourteen privates.

Detachment for
Norfolk Island.

1790.
12 Feb.

Fortifications.

Supply
exploring.

Two guns had been landed from the Supply, and a small redoubt was to be erected, which, with this little additional force, will, I presume, prevent the convicts from making any future attempts. The Supply, after landing the people and provisions, had orders to go in search of the reef seen by the Golden Grove, store-ship, and a shoal or island which Lieutenant Shortland informed me (by the Sirius) he had seen in his passage to the northward. The Supply cruized for several days in the latitude and longitude in which Lieutenant Shortland places the island, but returned without seeing it. There is some reason to think that a mistake has been made as to the latitudes in which the island and shoal are placed by Lieutenant Shortland*; and I trouble your Lordship with this information in case any ship sent into those seas should go to the northward without calling at this port, and which, from the accounts received from the Cape of Good Hope, there is reason to suppose the Bounty, store-ship, has done. The weather did not admit of the Supply's going in search of the shoal seen by the Golden Grove. The Sirius is now under repair; and, when ready for sea, I shall send that ship and the Supply to determine the situation and extent of the shoals and the island.

Condition of
Norfolk Island.

When the Supply left Norfolk Island the public were all very healthy, the damages sustained by the hurricane had been repaired, and they had vegetables in the greatest abundance. They get fish when the weather permits the boats to go without the reef, and at times in such quantities that fish is served to the people in lieu of salt provisions. They make their lines from the flax-plant; but unfortunately we have not any person who understands how to dress it.

Half a pod of cotton being found on this island, supposed to be brought there by a bird, and a cocoanut which was perfectly sound, and appeared to have been but a short time in the water, being thrown upon the beach, have given some reason to suppose that both those articles will be found on some island at no great distance.

Parts of two canoes, which answer the description given of the canoes of New Zealand, have been found on the rocks, and a wooden figure (very rudely carved), and which in every respect answers the description given of the idols seen in the Friendly Islands, has likewise been found, and probably was carried thither in one of the canoes.

Lord Howe
Island.

Lord Howe Island has been examined, but no fresh water or good anchorage being found it can be of no other advantage to this settlement than occasionally supplying a few turtle.

I had the honor of informing your Lordship that a settlement was intended to be made at a place I named Rose Hill. At the head of this harbour there is a creek which at half flood has water for large boats to go three miles up, and one mile higher the water is fresh and the soil good. A very industrious man who I brought from England is employed there at present,* and has under his direction one hundred convicts, who are employed in clearing and cultivating the ground. A barn, granary, and other necessary buildings are erected, and seventy-seven acres in corn promise a good crop. The soil is good, and the country for seventy miles to the westward, which is as far as I have examined, lays well for cultivation, but even there the labour of clearing the ground is very great, and I have seen none that can be cultivated without cutting down the timber, except some few particular spots, which, from their situation (lying at a distance from either of the harbours) can be of no advantage to us at present; and I presume the meadows mentioned in "Captain Cook's Voyage" were seen from the high grounds about Botany Bay, and from whence they appear well to the eye, but when examined are found to be marshes, the draining of which would be a work of time, and not to be attempted by the first settlers. But I shall have the honor of giving your Lordship a more particular account of the country hereafter.

1790.
12 Feb.
Parramatta.

The captain's guard which untill lately did duty at Rose Hill is now reduced to a lieutenant and twelve privates, and intended merely as a guard to the store which contains the provisions, and which is in the redoubt; for I am sensible there is nothing to be apprehended from the natives, and the little attention which had been desired of the officers more than what was immediately garrison duty, when at Rose Hill, is now no longer required.

At Sydney Cove all the officers are in good huts and the men in barracks; and, although many unforeseen difficulties have been met with, I believe there is not an individual, from the Governor to the private soldier, whose situation is not more eligible at this time than he had any reason to expect it could be in the course of the three years station; and it is the same with the convicts, and those who have been in any ways industrious have vegetables in plenty. The buildings now carrying on are of brick and stone. The house intended for myself was to consist of only three rooms; but, having a good foundation, has been enlarged, contains six rooms, and is so well built that I presume it will stand for a great number of years.†

Progress at
Sydney Cove.

The stores have been lately overrun with rats, and they are equally numerous in the gardens, where they do considerable damage; and as the loss in the stores could only be known by

Losses from
rats.

* Note 81. † Note 117.

1790.
12 Feb.

removing all the provisions, that was done, and many casks of flour and rice were found to be damaged or totally destroyed. The loss in those two articles by the rats since landing has been more than twelve thousand weight.

Robbery of
stores.

While the stores were under examination the Commissary one morning found that a key had been broken in a lock. This had been done in the night, and a convict, Smith, knew the wards of the key left in the lock to belong to a marine, who, being confined with several others on suspicion, one of them offered himself as an evidence for the Crown, and accused six of his comrades, who were tried, and the charge being fully proved the six were executed. One of those who suffered accused two others, but no proof could be brought against them.

These men had for many months robbed the stores of provisions and spirits, and in a manner that did not expose them to any great risk; for having procured keys for all the locks, they never attempted to rob the store but when one of the party was centinel at the door. The key was in the lock when they unexpectedly heard the patrol, and, in the hurry, they turned the key the wrong way, and not being able to get it out broke it, knowing that the locks were always examined by the patrol.

The night
watch.

Vegetables and provisions having been frequently stolen in the night from convicts and others, twelve convicts were chosen as a night-watch,* and they have effectually answered the end proposed, no robbery having been committed for several months, and the convicts in general have lately behaved better than I ever expected.

Executions.

Only two convicts have suffered death in the last year; four were executed the first year. A marine tried for committing a rape on an infant was found guilty; but being particularly recommended for mercy by the criminal court, his sentence was changed to transportation to Norfolk Island for life.

Climate.

As near two years have now passed since we first landed in this country, some judgment may be formed of the climate, and I believe a finer or more healthy climate is not to be found in any part of the world. Of 1,030† people who were landed, many of whom were worn out by old age, the scurvy, and various disorders, only seventy-two have died in one-and-twenty months; and by the surgeon's returns it appears that twenty-six of those died from disorders of long standing, and which it is more than probable would have carried them off much sooner in England. Fifty-nine children have been born in the above time.

Stragglers.

Since the last ship sailed (November, 1788) two marines and two convicts have been lost in the woods. One convict has been killed by the natives, and ten wounded—for it is impossible to

* Note 113. † Note 52.

prevent the convicts from straggling, and the natives having been robbed and ill-treated, now attack those they meet unarmed.

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The natives.

Not succeeding in my endeavours to persuade some of the natives to come and live with us, I ordered one to be taken by force, which was what I would gladly have avoided, as I knew it must alarm them; but not a native had come near the settlement for many months, and it was absolutely necessary that we should attain their language, or teach them ours, that the means of redress might be pointed out to them if they are injured, and to reconcile them by showing the many advantages they would enjoy by mixing with us. A young man, who appeared to be about twenty-four years of age, was taken the latter end of December [1788], and unfortunately died of the small-pox in May [1789], when he was perfectly reconciled to his situation, and appeared so sensible of the advantages he enjoyed that, fully persuaded he would not leave us, I had for some time freed him from all restraint. He had lived with me for the last two months, and his behaviour gave good reason for showing a more favourable opinion of the people of this country than what has been drawn from the report made by those who formerly touched on this coast.

Whether the small-pox,* which has proved fatal to great numbers of the natives, is a disorder to which they were subject before any Europeans visited this country, or whether it was brought by the French ships, we have not yet attained sufficient knowledge of the language to determine. It never appeared on board any of the ships in our passage, nor in the settlement, until some time after numbers of the natives had been seen dead with the disorder in different parts of the harbour, and two men, with a boy of about eight years of age and a girl of eleven, had been brought to the hospital, in the small-pox.

Small-pox.

Both the men died, but the boy and girl recovered. These people were brought up the middle and the latter end of April, and the small-pox never appeared in the settlement until the 2nd of May, when a man belonging to the Supply was seized with the disorder and died a few days afterwards; nor has it ever appeared in the settlement except on that man and the native who caught the disorder from the children.

In addition to the loss of provisions which we had sustained by the rats, a very considerable quantity of flour, rice, &c., had been lost and damaged in the passage by the badness of the casks and by a quantity of oil and tar having been put on board of the store-ships.

Loss of provisions.

Although there could be little doubt but that supplies would arrive before the provisions we had in store were expended, it was necessary to guard against accident. I therefore directed

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Reduction of
ration.

only two-thirds of a ration to be issued to those who have hitherto received a full ration, by which our provisions would last until June, some few articles excepted. This order, which took place the 1st of November, 1789, included every person in the settlement, and at the same time the Sirius and Supply's ship's companies went to three-fourths allowance.

Harvest.

In December the corn at Rose Hill was got in; the corn was exceeding good. About two hundred bushels of wheat and sixty of barley, with a small quantity of flax, Indian corn, and oats, all which is preserved for seed. Here I beg leave to observe to your Lordship that if settlers are sent out, and the convicts divided amongst them, this settlement will very shortly maintain itself, but without which this country cannot be cultivated to any advantage. At present I have only one person* (who has about an hundred convicts under his direction) who is employed in cultivating the ground for the publick benefit, and he has returned the quantity of corn above mentioned into the publick store. The officers have not raised sufficient to support the little stock they have. Some ground I have had in cultivation will return about forty bushels of wheat into store, so that the produce of the labour of the convicts employed in cultivation has been very short of what might have been expected, and which I take the liberty of pointing out to your Lordship in this place, to show as fully as possible the state of this colony, and the necessity of the convicts being employed by those who have an interest in their labour. The giving convicts to the officers has been hitherto necessary, but it is attended with many inconveniences, for which the advantages arising to the officers do not make amends. It will not therefore be continued after the detachment is relieved, unless particularly directed. The plan I should propose for giving the convicts to settlers will be submitted to your Lordship's consideration in another letter. The numbers employed in cultivation will of course be increased, as the necessary buildings are finished, but which will be a work of time; for the numbers in this settlement who do nothing towards their own support exceed those employed for the public.

Convict labour.

My intentions of turning swine into the woods to breed have been prevented by the natives so frequently setting fire to the country.

Mate of
Sirius lost.

The Sirius, for the conveniency of refitting, had gone into a small cove on the north side of this harbour; and it was customary for the people to walk from the opposite shore to the ship, which one of the mates attempting lost himself in the woods, and every search that could be made to find him proved ineffectual.

The natives.

From the time our native died, orders had been given to take another whenever an opportunity offered; but they were always

* Note 81.

on their guard, and I was desirous of it being done without being under the necessity of firing upon them. Towards the end of November two natives were taken, and one of them proved to be a chief, who had been frequently mentioned to us as a great warrior. The necessary precautions were taken to prevent their escape, but which was effected by the chief, a fortnight after he was taken, from the neglect of those who had the care of him; the other remains; he lives with me, and every possible means are used to reconcile him to us, and in which I make no doubt but that we shall succeed. The little information I am able to give your Lordship of these people and the country will be the subject of another letter.

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In November the Supply sailed for Norfolk Island with some convicts, and returned after being absent about six weeks. All the people on that island were well, and their crops, after all they had suffered from rats, birds, and a worm which had done them considerable damage, so good that they had grain sufficient for six months' bread for everyone upon the island, reserving sufficient for their next year's crops.

Reports from
Norfolk Island.

The third lieutenant of the Sirius* had for a considerable time laboured under a disorder, which terminated in the loss of his senses, I therefore appointed another officer in his room. And as the Sirius was now nearly ready for sea, having repaired the damages sustained in the gale of wind, and being strengthened in the best manner our situation permitted, all the officers belonging to her would be necessary when she went to sea, and as Norfolk Island was now settled, and likely to answer the views of Government, I discharged the second lieutenant from the Sirius,† and appointed another officer in his room; consequently, that officer, who continues superintendant and commandant of Norfolk Island, will no longer receive any pay from the Admiralty, and I beg leave to recommend him to your Lordship's attention as an officer who has fully merited everything I can say in his favour.

H.M.S. Sirius.

Early in January, 1790, the Supply again sailed for Norfolk Island with more convicts; and in her passage left a small party on Lord Howe Island to turn turtle; but in fifteen days only three were taken, so that no great advantages will at present accrue from thence. The island has fresh water, but no good anchoring-ground.

Convicts for
Norfolk Island.

Since the deaths mentioned in a former part of this letter, one woman has suffered for a robbery, five children have died, and twenty-eight children have been born, making in all twenty-seven‡ deaths and eighty-seven births.

I have, &c.,

A. PHILLIP.

* Note 119.

† Note 24.

‡ Note 120.

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GOVERNOR PHILLIP TO SECRETARY STEPHENS.

12th February, 1790.

[*This letter is practically a repetition of Governor Phillip's despatch to Lord Sydney of the same date, with the addition of the following as a marginal note to paragraph 4.*]

State of the Island at that time—1 commandant, 1 midshipman, 1 surgeon, 1 assistant do., 1 serjeant, 1 corporal, 6 privates, 4 seamen—16. 51 male convicts, 23 female do., 4 children—78.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.*

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Sir,

Sydney Cove, February 12, 1790.

Discontent of
Major Ross.

As the Lieutenant-Governor† has thought I did not pay a proper attention to his complaints of the Judge-Advocate's conduct, I trouble you with the enclosed papers, which contain all that passed on the subject, except my being given to understand, five months afterwards, that a proper attention had not been paid to that complaint.

No. 1 is a copy of a letter I received from the Lieutenant-Governor, No. 2 the Judge-Advocate's letter on that occasion, and No. 3 my answer to the Lieut.-Governor's letter.

As to the preamble in the Lieut.-Governor's letter, it would not merit my notice but to say that he was sensible that no orders ever had been left with anyone but himself; and as to parties of pleasure, he knew likewise that I had never been a day, and very seldom an hour, on that account; and he might have known that my absence which gave room for his complaint against the Judge-Advocate was at a time when my state of health was such that I should have been pleased to remain in my bed than to have gone to Rose Hill to sleep on the boards in a hut belonging to the man who has the direction of the convicts. A journey I made soon after we landed fixed a complaint in my side which has rendered the fatigues of examining the country round us not parties of pleasure, but parties in which nothing but a sense of duty and necessity would make me engage; and, in fact, they are such parties that they have lately been declined by most of those who were at first induced to engage in them from motives of curiosity.

As to the Lieut.-Governor's saying that he is in the dark with respect to the line of conduct I wish him to pursue, I can only say that before we landed he knew the intentions of Government respecting this settlement as fully as I could explain them; and

* Note 121. † Note 110.

after we had been landed some months, when he intimated that he had understood from Lord Howe that it had not been determined in what part of the coast the settlement would be made, that therefore he supposed I was at liberty to remove if I found a better situation, and to detain the ships for that purpose, and giving me to understand that he thought himself entitled to more confidence than had been placed in him, I desired him to come to me the next day, which he did, and I then endeavoured to remove so groundless a cause of discontent by every means in my power. I read to him every part of my instructions relating to the settlement, and he left me, I thought, fully satisfied and contented; and prior to the above time, when the officers had been assembled, and refused the little interference respecting the convicts which I had asked of them, though their commandant at that time had said nothing which could give reason to suppose he disapproved of their conduct in that respect, and which I thought I had a right to expect from him; yet, when he told me some days after the meeting that he himself was ready to give me every assistance in his power, I accepted the offer with thanks, and in a long conversation pointed out to him that the great object we had to attain was the rendering the settlement independent with respect to the necessaries of life, and that as the outlines of the little plan I had formed on the passage were done away by the resolution the officers had taken, we would, as we proceeded in clearing the ground round us, get into some regular plan; and I desired that he would look on the convicts on one side of the cove as immediately under his directions, those on the opposite side to remain under mine.* The Lieut.-Governor then very well understood what I expected and wished, and on every occasion I readily acknowledged the assistance I received; but a warmth of temper, which has been the source of many discontents, has obliged me for some time past to avoid, as far as the service permits, calling on the Lieutenant-Governor otherwise than as the commandant of the detachment. At the same time, no order has ever been given which might in any shape tend to restrict his authority. So far from it that from the time we landed to the present time it has been understood by every one in this settlement that all orders given by the Lieut.-Governor are to have the same effect as if given by me; and whatever has been demanded from the stores by him has always been delivered without any reference to me, in consequence of an order to the Commissary for that purpose.

1790.
12 Feb.
Discontent of
Major Ross.

The Lieut.-Governor has complained of that part of my letter in which I request that the peace of the settlement may not be disturbed; but have I not had sufficient cause to make that

* Note 122.

1790.
12 Feb.

Discontent of
Major Ross.

request? Has not representation or complaint been too frequent? Was not the answer given by him to a convict followed by a behaviour on the part of that wretch which drew on him a severe sentence from the criminal court? Did not the Lieut.-Governor, when that convict was under examination, behave in such a manner to Captn. Hunter and the Judge-Advocate that the former wished to be excused attending one day in the week as a Justice of the Peace, that he might not subject himself in future to such treatment when acting as a magistrate, and the latter wished to resign his office of Judge-Advocate in consequence of the treatment he had received from the Lieut.-Governor and Captn. Campbell in the presence of convicts and others? I quote the words those officers made use of when they represented that matter to me. And did not the Lieut.-Governor's conduct, as it appears from the evidence of several of his officers, when Captain Campbell refused the duty of the criminal court, bring this settlement to touch on the moment of a general confusion?

Surely I have had sufficient reason for desiring that the peace of the settlement might not be disturbed, and if my forbearance (which the peculiar situation I am in, and characters which cannot be drawn in a letter have made me think necessary) does not lay me open to censure, I cannot think that I have reason to apprehend it on any other account.

It has been said by the Lieut.-Governor "that the detachment had not justice done them, in not having received the necessaries ordered out for them," and he has been repeatedly called on to say what those necessaries are, and to explain himself, that an enquiry might be made, but from his answers nothing more can be drawn than that the Admiralty had informed him the detachment would, on their landing, be supplied with what might be necessary to render their situation comfortable. I think they are very comfortable, and much more so than they had reason to expect from the service on which they are employed, and the nature of the country; nor have I any reason to think that the officers in general are dissatisfied on that head. As to the necessaries sent out for the detachment, they have never been in the charge of any person but the quarter-master of the detachment, with the exception of their canteens, for which they had not room in their own store. And as to those necessaries which were sent out for the use of the settlement, they have not only had a full proportion, but likewise a considerable part of those articles which were intended for the convicts only, such as shirts, frocks, and shoes, and I believe of the necessary articles sent out for the use of the settlement now remaining the greatest part are in possession of the detachment. I do not think it necessary

to trouble you with letters which have passed on the above occasion; they will be forwarded hereafter. The charge has not a shadow of truth to support it.

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12 Feb.

Discontent of
Major Ross.

I will now, sir, conclude this letter, which, writ to explain myself so fully as not to be under the necessity of writing a second on the subject, has made a very long one, with requesting that such part, or the whole, as you judge proper, may be communicated to Lord Sydney.

I have, &c.,

A. PHILLIP.

After reading this letter, which I have written in haste, and with a desire of explaining how little reason there has been for complaint, I think it appears so like a letter to justify my own conduct that I wish you only to lay the enclosed letters before Ld. Sydney, and explain to his L'ship that the preamble in the Lieut.-Gov.'s letters was not noticed in my answers, as I did not think it merited any attention.

[Enclosure No. 1.]

MAJOR ROSS TO GOVERNOR PHILLIP.

Sir,

Sydney Cove, 26th August, 1789.

Your Excellency's having so repeatedly told me that the working convicts, employed on the west side of the cove,* were to be under the command and authority of the Lieut.-Governor, so far that none of them should be removed from it by your Excellency without his knowledge, that it cannot have escaped your memory, it would be presumption in the extreme in me to suppose your Excellency not to know that when either duty, business, or pleasure may at any time induce your Excellency to absent yourself from this cove there cannot then remain in it any authority superior to that of the Lieut.-Governor.

Taking, therefore, your perfect recollection of the first and knowledge of the second for granted, I shall proceed to acquaint your Excellency with an account of what I cannot but deem an insult offered to me in my character of Lieutenant-Governor since your Excellency went last from this place.

About twelve o'clock yesterday, Fuller the carpenter told me that the convict plasterer had been with him to tell him that he was informed of Bazely's having been looking for him the day before in order to direct him to join Bloodsworth's gang. Soon after, in my walks to visit the guard, I saw Bazely, and asked him how Thady came by him to be ordered to join Bloodsworth's gang. On his saying that it was the desire of Mr. Brewer,† I

* Note 122. † Note 31.

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12 Feb.

Discontent of
Major Ross.

desired him to let Mr. Brewer know that I wanted to see him, and that he would find me with the officer of the guard. Mr. Brewer came soon after. I asked him how Thady came to be ordered away from the works that he was employed in on the west side. His answer was, indeed he did not know, but that Captain Collins had directed him to order Thady to join and work with Bloodsworth's gang from that morning. I then desired Mr. Brewer to go to Captain Collins and tell him, from me, that I wished to know how Thady came to be ordered away from the officers' huts, where he was at work. Captain Collins's answer by Mr. Brewer was that he knew nothing more of it than when the Governor was going away he left such orders with him.

However much I felt myself hurt by this impropriety of the manner in which the order came, I immediately determined with myself to give way to it so far as to cause the man to be taken off from the officer's hut, at which he had been at work, and sent over to the other side, which was immediately done. But I, at the same time, determined the business of too serious a nature or tendency to pass over without making your Excellency acquainted with it; for, however trivial it may at first view appear, yet the nature of it, the quarter from whence it came, your Excellency's name having been made use of upon the occasion, as well as the terms upon which I am too well known to stand with you, render it absolutely necessary for me, in justice to my own consequence and character, to request that your Excellency will please to direct me to be informed of the cause of such authority being assumed by those in whom no such power can at present be vested. But should your Excellency say—and I cannot possibly bring myself to think you will—that you, on going away from here, left your orders relative to the employing convicts with the Judge-Advocate, in place of leaving them with the Lieutenant-Governor, I have in such case to request that you will please to explain to me the line of conduct which, as Lieutenant-Governor of this settlement, you wish me either to preserve or follow, assuring yourself that I shall endeavour to pursue that line, at least till such time as a power superior to either of us shall determine the bounds of both, and redress our grievances. At present I acknowledge myself as much in the dark with respect to the line of conduct you expect me to pursue as Lieutenant-Governor, or what you expect from me, or that I shall do, as I was the first day of our meeting in London. But as this may be a subject of future discussion, I shall conclude this with my having the honor of being

Your Excellency's, &c.,

R. Ross, Lieutenant-Governor.

[Enclosure No. 2.]

JUDGE-ADVOCATE COLLINS TO GOVERNOR PHILLIP.

1790.
12 Feb.

Sir,

Sydney Cove, 26th August, 1789.

Discontent of
Major Ross.

Your Excellency having this evening done me the favour to acquaint me that the Lieutenant-Governor had written to your Excellency a letter complaining of some part of my conduct towards him while you were absent from the settlement, I beg leave to lay the following particulars before you; but in so doing I must request you not to understand that I seek either to justify or excuse what I have done, except in the instance I shall mention; for however seriously the Lieutenant-Governor may treat the circumstance, I can hardly deem it worth the discussion, and should not say a word on the subject were I not desirous of convincing your Excellency how little it was my wish to create a misunderstanding during your Excellency's temporary absence from the immediate seat of government.

Having received your directions on the Saturday previous to your departure for Rose Hill to order Thady, a convict plasterer, to join Bloodsworth's gang, I have to beg your Excellency's pardon for not giving that direction until late on Monday evening last, at which time I directed Bazely to inform the man that he was to join Bloodsworth's gang, and Bloodsworth that he was to receive him; and, as I knew nothing where the man had been employed, I did not suppose anything more was requisite than to follow your Excellency's directions.

In the forenoon of yesterday Mr. Brewer came to me from the Lieutenant-Governor, desiring to know by whose authority Thady was ordered into Bloodsworth's gang. I returned my compliments, and that he was ordered by the Governor, who left such directions with me. Mr. Brewer soon after came back to tell me that the man would be sent to receive his orders from me. On being informed by Bloodsworth that he was employed in plastering Lieutenant Kellow's hut, I told him—and afterwards gave the man the same directions—to undoubtedly finish Lieutenant Kellow's hut, or any other work he had in hand, as I was certain your Excellency did not know he had any work to finish when you ordered him to join Bloodsworth's gang.

As I conceive that if I have done wrong in this business it is in neglecting to order the man to join the overseer from the Saturday I received your Excellency's directions until the Monday evening, so I trust you will have the goodness to be assured that such neglect was unintentional, for it has always been my wish to forward, not obstruct, the public service.

I have, &c.,

DAVID COLLINS.

1790.
12 Feb.

Discontent of
Major Ross.

[Enclosure No. 3.]

GOVERNOR PHILLIP TO MAJOR ROSS.

Sir,

Government House, 27th August, 1789.

A few days before I went to Rose Hill a list of all the convicts and their various employments was made out by my directions, by which it appeared to me that James Thady was unemployed. I therefore desired the Judge-Advocate to order him to join the bricklayers then at work for some of the officers, and last night upon my return received your letter stating that an insult had been offered you as Lieutenant-Governor during my absence by the Judge-Advocate, in ordering a man employed under your directions to a different work.

I will, sir, repeat to you what the Judge-Advocate says on that head in his own words, "That he forgot to give the order the day I desired he would, and when he did recollect it he gave orders for that purpose; but on being told that the man was employed by your directions at Lieutenant Kellow's hut, as he was certain I did not know he had any work in hand when I gave the order for his joining the bricklayers' party." This, sir, if admitted, will, I presume, satisfy you that no insult was intended. I had myself informed you that I was going up the harbour for two or three days; and with respect to my orders being left with the Judge-Advocate that should have been left with the Lieutenant-Governor, there is not a shadow of reason to suppose anything of the kind ever was intended, and of which you must be sensible. And in answer to your question as to what line of conduct I wish you to pursue, I have, sir, only to wish that the peace of the settlement may not be disturbed, and that you will be so good as to be a little more guarded in your expressions, for I am certain you will think on reflection that the answer you gave to the convict who came to tell you his time was expired—"Would to God my time was expired, too!"—was not calculated to make him satisfied with his situation, till the necessary information is received from Government respecting those people, who draw their conclusions from what they hear, and perhaps very different from what the words are intended to convey. I did not, sir, take notice of the impropriety I saw in such a declaration, when you told me that was the only answer you gave to the convict, who was afterwards sentenced by the criminal court to a severe punishment, which he most undoubtedly deserved, as several officers were then present; but I repeat it, sir, that I am certain you must see the impropriety of it.

The time cannot be far distant when a legal inquiry can take place, and all complaints will then be attended to. Till when his Majesty's service requires some little forbearance on your part as well as on mine.

1790.
12 Feb.

Discontent of
Major Ross.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Lord Grenville, 19th February, 1791.)

Government House, Sydney Cove,

My Lord,

February 13th, 1790.

13 Feb.

In the charts* of Botany Bay, Port Jackson, and Broken Bay, with the entrance of the harbour on a larger scale, which I have the honour of sending your Lordship, such parts of these harbours which have not been surveyed are from eye-draughts made in the different excursions, and sufficiently correct to give a pretty just idea of their different branches.

Charts.

In order to get a knowledge of the country round this settlement, frequent excursions have been made since the ships sailed in November, 1788; soon after which I went to Botany Bay, and the five days spent in that harbour confirmed me in the opinion I had first formed of it—that it afforded no eligible situation for fixing the settlement, and was a bad harbour, not affording good security for ships against the easterly winds, which frequently blow very hard in the winter; and which has been further proved by Captain Hunter and the first lieutenant of the Sirius, when there to survey the bay.

Examination
of Botany Bay.

After having been several times with the boats to Broken Bay, in order to examine the different branches in that harbour, a river was found, but the want of provisions obliged us to return without being able to trace it to its source, which has since been done,† and in the sixteen days we were then out all those branches which had any depth of water were traced as far as the boats could proceed.

Exploration of
the Hawkesbury
River.

The river, which I named Hawkesbury, after the Lord Hawkesbury,‡ is laid down in the chart from an eye-sketch made by Captain Hunter, as we rowed up it. The breadth of this river is from three hundred to eight hundred feet, and it appears from the soundings we had to be navigable for the largest merchant ships to the foot of Richmond Hill; but as the water near the head of the river sometimes rises, after very heavy rains, thirty feet above its common level, it would not be safe for ships to go far up; but fifteen or twenty miles below Richmond Hill they would lay in fresh water and perfectly safe. I speak of Richmond Hill as being the head of the river, it there growing very shallow, and dividing into two branches.

* Note 123.

† Note 124.

‡ Note 125.

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The high rocky country which forms Broken Bay is lost as you proceed up the Hawkesbury, and the banks of the river are then covered with timber, the soil a rich light mould, and judging from the little we saw of the country, I should suppose it good land to a very considerable extent; the other branches of fresh water are shoal, but probably run many miles further into the country than we could trace them with our boats. On these rivers we saw great numbers of wild ducks and some black swans; and on the banks of the Hawkesbury several decoys made by the natives for to catch the quail.

Richmond Hill.

Richmond Hill (near the foot of which a fall of water prevented our proceeding further with the boats) is the southern extremity of a range of hills, which, running to the northward, most probably join the mountains which lay nearly parallel to the coast, from fifty to sixty miles inland. The soil of Richmond Hill is good, and it lays well for cultivation. Our prospect from the hill was very extensive to the southward and eastward, the country appearing, from the height at which we were, to be a level covered with timber; there is a flat of six or seven miles between Richmond Hill and a break in the mountains, which separates Lansdown and Carmarthen Hills,* and in this flat I suppose the Hawkesbury continues its course, but which could not be seen for the timber that, with very few exceptions, covers the country wherever the soil is good.

The great advantages of so noble a river, when a settlement can be made on its banks, will be obvious to your Lordship.

Broken Bay.

Broken Bay has been described in my former letters. Pitt-water as having eighteen feet at low water over a bank which lays across its entrance; and the south-west branch, as well as the western branch, which runs off from it (and leads to the Hawkesbury), as having water for the largest ships, and affording perfect security for a thousand sail; the north-west branch has only water for very small vessels. There is no danger going into this harbour but what is pointed out in the chart.

Parramatta.

The settlement I had the honor of mentioning to your Lordship as made at Port Jackson, near the head of the harbour very fully answers my expectations; the soil is exceeding good, lays well for cultivation, and is well watered. Six miles to the southward there is a small fresh-water river; and twenty miles to the westward there is a more considerable river, the source of which I suppose to be at the root of the mountains. The banks of this river, which most probably empties itself into the Hawkesbury, are high; the soil a good light mould and covered with trees; the wood of some of these trees is very light; they are about the size of large walnut-trees, which they resemble; they shed their

The Nepean.

* Note 19.

leaves, and bear a small fruit which is said to be very wholesome. This river likewise frequently rises thirty feet above its common level; it is, as far as I have seen it, from three hundred to four hundred feet in breadth. I named it the Nepean, and its source will be traced in the course of the winter; and from its banks I hope to reach the mountains, which has been attempted by a party who crossed the river,* but after the first day's journey they met with such a constant succession of deep ravines, the sides of which were frequently inaccessible, that they returned, not having been able to proceed more than fifteen miles in five days; when they turned back they supposed themselves to be twelve miles from the foot of the mountains.

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Exploration
of Blue
Mountains.

As the land for several miles to the southward and twenty miles to the westward of Rose Hill, that is to the banks of the Nepean, is as fine land for tillage as most in England (some few particular spots excepted, the soil of which is poor, but bears a very small proportion to the good land), I propose that tract of land for those settlers which may be sent out; and though they will be placed at some distance from each other, for the convenience of water (from one to two and three miles), they will have nothing to apprehend from the natives, who avoid those parts we most frequent, and always retire at the sight of two or three people who are armed.

Character of
country.

As the labour of clearing the ground of timber will be great, I think each settler should not have less than twenty men on his farm, which I suppose to be from five hundred to one thousand acres; it will be necessary to give that number of convicts to those settlers who come out, and to support them for two years from the public stores; in that time, if they are any ways industrious—and I do not think they will be able to do it in less time—at the expiration of the two years, they may return half the convicts they have been allowed, and would want no further assistance from Government.

Provisions for
settlement.

It may be necessary to grant lands to officers and soldiers who, becoming settlers, will, of course, be entitled to every indulgence; but few of the officers now here have reaped any great advantage from being allowed convicts; and it is attended with unavoidable inconveniences, from the convicts being left so much to themselves, and from their mixing with the soldiers. It may be found more to the advantage of the Crown, and the officers likewise, if officers on duty in this settlement were allowed a certain quantity of grain to support their live stock until they have a market to go to; and I make no doubt but that in the third year from the time settlers arrive there will be a market well supplied with grain, poultry, hogs, and goats, all of which there has been

Grants for the
military.

Assigned
servants.

1790.
13 Feb.

a great increase, but killed, from wanting corn to support them; and the natives so frequently setting fire to the country, which they do to catch the opossum, flying squirrel, and other animals, has prevented swine from being turned out, as was intended.

If this plan of distributing amongst the settlers those convicts who are not immediately necessary for carrying on the public works is approved of, and which I propose as appearing to me the most likely to render this settlement independent for the necessaries of life, in the shortest time possible, there are many regulations which will, of course, take place. And I beg leave to observe to your Lordship that it appears to me the expence which attends sending out the convicts might be very considerably lessened by sending them out in the ships bound to China. Those ships might bring a certain number, with the necessary quantity of provisions and cloathing. The passage to China, round the South Cape, being, in my opinion, full as good as the one now used; and in time of war would be attended with much less risk. But if hired transports are sent out, it is equally the interest of masters and owners to let those ships remain the longest time possible in those ports which are attended with little expence, and the time in which they may make the voyage to and from this country will always be very uncertain.

Transport of
convicts.

Advantages of
Norfolk Island.

Your Lordship will permit me to add that if it is the intention of the Legislature by sending convicts to this country to prevent their return to England, that intention will be best answered by their being sent to Norfolk Island. The goodness of the soil has been pointed out, as well as the short time in which it may be presumed the island will be able to supply its settlers with all the necessaries of life. Convicts would very seldom be able to escape, as there are only two or three places at which a boat can land, and from the badness of the ground ships will seldom anchor. Such convicts as are sentenced for life would be perfectly safe at Norfolk Island, where they may be employed in cultivating the flax-plant. But from this settlement, whenever ships going to India are in want of men they will easily find means of carrying away convicts.

Observations on
the aborigines.

Your Lordship has been informed that some of the convicts have been killed and wounded by the natives, but that has I believe never happened but when the convicts have been the aggressors. I have always found the natives friendly, and still retain the opinion I first formed of those people. That they do not betray a confidence placed in them I have reason to believe from their never having attempted to take that advantage which they might have done from the confidence which has been frequently placed in them by myself and those who have been with me in

the different excursions, and from the confidence some of them have placed in us; nor do I believe they would have ever been hostile but from having been ill-used and robbed, which has been the case, though every precaution that was possible has been taken to prevent it.

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13 Feb.

Observations on
the aborigines.

In December, 1788, one of the natives was seized for the purpose of learning the language and reconciling them to us (as mentioned in my former letter to your Lordship), none of the natives having for some months come near the settlement. The man who was taken for that purpose appeared to be about twenty-four years of age, and in three months was so well reconciled that he was freed from all restraint, and lived with me perfectly satisfied with his situation.

In the beginning of the following April numbers of the natives were found dead with the small-pox in different parts of the harbour; and an old man and a boy of about eight years of age were brought to the hospital. The man died, but the boy recovered, and now lives with the surgeon. An elderly man and a girl of about ten or eleven years of age were found soon after and brought up; of the man there was no hopes of recovery, and he died the third day, but the girl recovered, and lives with the clergyman's wife. I brought these people up with the hopes that being cured and sent away with the many little necessaries we could give them would be the means of reconciling them to live near us; but unfortunately both the men died, and the children are too young to have weight with the natives with whom since they have frequently conversed, and what was more unfortunate our native caught the disorder and died. It is not possible to determine the number of natives who were carried off by this fatal disorder. It must be great; and judging from the information of the native now living with us, and who had recovered from the disorder before he was taken, one-half of those who inhabit this part of the country died; and as the natives always retired from where the disorder appeared, and which some must have carried with them, it must have been spread to a considerable distance, as well inland as along the coast. We have seen the traces of it wherever we have been.

Small-pox
amongst the
natives.

From the death of the native who had lived with us, it was intended to get another as soon as possible; but they were generally on their guard, and I wished it to be done without being under the necessity of firing on those people, which must have been the case had anyone been seized in the presence of others. In last November (1789) two natives were brought up, one of whom made his escape a few days after; the other lives with me,

1790.
13 Feb.

Observations on
the aborigines.

and will soon be able to inform us of their customs and manners, but of which at present I can give your Lordship very little information.

The natives live in tribes, which are distinguished by the name of their chief, who probably takes his name from the district in which he resides. About the north-west part of this harbour there is a tribe which is mentioned as being very powerful, either from their numbers or the abilities of their chief. The district is called Cammerra; the head of the tribe is named Cammerragal, by which name the men of that tribe are distinguished. A woman of this tribe is called a Cammerragalleon. The natives never use the letter S, and find some difficulty in pronouncing it.

From the entrance of the harbour, along the south shore, to the cove adjoining this settlement the district is called Cadi, and the tribe Cadigal; the women, Cadigalleon.

The south side of the harbour from the above-mentioned cove to Rose Hill, which the natives call Parramatta, the district is called Wann, and the tribe, Wanngal.

The opposite shore is called Wallumetta, and the tribe, Wal-lumedegal.

The other tribes which live near us are those of Gweagal, Noronggerragal, Boroegal, Gomerrigal, and Boromedegal.

Some of these people perforate the gristle of the nose to receive the ornamental bone mentioned in "Captain Cook's Voyage"—others do not. The drawing a front tooth is more general, but many men have been seen who had not lost the tooth; and which, there is good reason to believe, is given as a tribute to the head of one or more of the powerful tribes, and occasionally worn by him round the neck. Cammerragal is mentioned as having received the tooth from the native now living with us. Some refuse paying this tribute.

Most of the women lose two joints of the little finger of the left hand, but the reason given for that (as we understand it) appears too trivial to be the real cause—to enable the women to fish the better, and to wind the line round the remaining three fingers. There is reason to believe that the women are treated as inferiors by the men, who employ them constantly fishing in the canoes. The men seldom fish with the line, but strike fish from the rocks; their chief employment is the chase.

That they have some idea of a future state appears from their belief in spirits, and from saying that the bones of the dead are in the graves, but the body in the clouds; and the question has been asked, do the white men go thither?

It is probable that some tribes subsist chiefly by the chase, which, leading them through the woods, must make some know-

ledge of stars necessary. They have names for many of the stars, for the Magellan Clouds, and for the four principal winds.

The native fires are frequently seen on the tops of the mountains, where the air in winter must be very sharp; and a small cloak has been found, made of the skins of the opossum and flying squirrel, very neatly sewed together, the inside ornamented in diamonds of curved lines, by raising the skin with the point of a small bone, which is made sharp for that purpose. This cloak they put over their heads when they sleep—and cloaks made by beating the bark of the brown gum-tree are common, and used for the same purpose, or to keep the rain from their heads and shoulders. Their knowledge in numbers appears to be very confined. It is remarkable that of all the words given in the vocabulary by Captain Cook there are only two we have ever heard the natives make use of. These people have several names—the one who lives with us calls himself Wogultrowey, Wolarra-barrey, Baunellon, Boinba, Bundebunda—and we have reason to think that children are named after the fish they first catch; and that after the death of a friend or relation they frequently assume one of the names of the deceased.

It will appear to your Lordship, after what has been said of the natives, that a less force will be wanted for the security of the settlement than what I considered as necessary soon after my arrival in this country, although that was not considerable; but as the military must be supported by the labour of others, which is felt in an infant colony so distant from any resource as this is placed, and in which, if it was possible, every one should be employed in procuring for himself the necessaries of life, I presume that a battalion of five hundred men will be sufficient, which will admit of one hundred being detached for the security of Norfolk Island.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

13th February, 1790.

[*This despatch has been omitted, as it is practically a duplicate of the despatch of Governor Phillip to Lord Sydney of the same date.*]

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.*

Sir,

Whitehall, March, 1790.

March.

It being the King's intention that his Majesty's ships Discovery and Gorgon—the former of which has been fitted for the purpose of surveying and the latter, as I informed you in my letter No 6, for the conveyance of troops and stores to New

1790.
March.

Proposed
Expedition to
N.W. coast of
America.

South Wales—should be employed upon an expedition on the north-west coast of America, and his Majesty having, with that view, ordered that the lower-deck guns, carriages, &c., of the *Gorgon* shall be carried out in her hold, I am commanded to signify to you his Majesty's pleasure that as soon as the said troops and stores shall have been landed from the ship you do direct her commander to mount her guns and to put her in a fit condition as soon as possible for proceeding on that service.

As the present company of that ship is barely sufficient for navigating her, it will be expedient that as many officers and men as can possibly be spared from the *Sirius* should be lent to her during the expedition, which you will order to be done as soon as possible, and such deficiency as will then remain in the number of her war establishment of men you will complete from the marine corps now serving on shore.

Phillip, to
assist.

One of the objects of this expedition being to form a settlement on the no-west coast of America,* it is his Majesty's pleasure that you should select from among the people with you a proper number of persons to compose it, and that you should embark them either on board the *Discovery* or *Gorgon*.

Instructions to
Phillip.

The extent of this establishment, it is imagined, need not at first exceed thirty persons, a moiety of whom at least should consist of drafts from the new corps, under the command of a discreet subaltern officer, who is to be entrusted with the temporary superintendence of the new settlement. The remainder should consist of two or three of the most intelligent of the overseers, who have lately been sent out, a storekeeper, and any other persons who may be desirous of accompanying them, together with a few of the most deserving of the convicts, to whom you may offer a remission of a part of their service as an inducement to go.

And you will be careful to embark on board these ships such articles of stores, provisions, medicines, and utensils for building, &c., as you may judge sufficient for their use, in order to enable them to fulfil the object of forming such a settlement as may be able to resist any attacks from the natives, and lay the foundation of an establishment for the assistance of his Majesty's subjects in the prosecution of the fur trade from the N.W. coast of America.

As the chief command of this expedition is intended to be entrusted to the captain of one of his Majesty's ships now in the East Indies, directions have been sent to Commodore Cornwallis to despatch such frigate immediately to Owyhee, one of the Sandwich Islands, situated in the latitude 20° 00' So., and long. 25° 00' Et. from Greenwich, directing her captain to wait there

* Note 128.

until he shall be joined by the *Discovery* and *Gorgon*, when he is to lose no time in making the best of his way to the American coast, agreeably to the enclosed instructions, a copy of which is transmitted to you for your further information. You will entrust the original to the care of the commander of the *Discovery*, and the duplicate with the commanding officer of the *Gorgon*. You will despatch both these vessels to the place of rendezvous, at Owyhee, as soon as they are in a situation to proceed thither, and upon their meeting with the frigate above mentioned the commanding officer will deliver to the captain of the frigate the dispatches which you shall have committed to their care, and will put themselves under his orders.

It is hoped that the frigate from the East Indies and the two vessels above mentioned will arrive at Owyhee soon enough to allow some time for refreshment to their crews, and to enable them to be on the coast of America early in the spring; but if, from any unforeseen event, the frigate which Commodore Cornwallis is directed to order upon this service should not reach the Sandwich Islands before the end of the month of April, 1791, it is his Majesty's pleasure that you should direct the senior officer of the two ships to open the dispatches, and proceed with those two ships to execute the instructions, leaving on his departure from thence one of his people with the natives, to be taken up again on his return, or adopting any other mode he may judge more advisable for conveying to the captain of the frigate information of the route he may design to take, with a view to his proceeding to the place of destination.

You will receive by the *Discovery* and *Gorgon* certain packages, marked and numbered agreeably to the enclosed list, containing such articles as are most esteemed by the people of the Sandwich Islands and the inhabitants of the American coast, in order to barter with them for provisions, and such other necessaries as they can supply, which packages they are to deliver to the commander of the frigate, if they should join him on their arrival at the Sandwich Islands, or to make use of themselves in case of his absence.

On the return of the *Gorgon* to Port Jackson from the intended expedition you will order the officers and men belonging to the *Sirius* on board their proper ship, and after embarking the remainder of the marines you will direct Lieutenant Harvey to make the best of his way with them to England, agreeably to the orders he has already received on that head.

In consequence of the information received from Lt. Bligh, late commander of H.M. ship the *Bounty*, of a mutiny having taken place in that vessel, by which he was deprived of his com-

1790.
March.

Instructions to
Phillip.

1790.
March.

Instructions to
Phillip.

mand, his Maj'y has judged it proper that the Gorgon should be directed, on her return from the N.-W. coast of America, to touch at the Society Islands, and eventually at the Friendly Islands, in order, if possible, to apprehend the mutineers, a list of whom, rec'd from Lt. Bligh, is enclosed. If he should succeed in this object, he is directed to bring those men, or any of them, in confinement, to Port Jackson. And you will, in that case, send them home in confinement by the Gorgon, in order that they may be brought to trial in this country for an offence so prejudicial to the discipline of his Majesty's service.

If the Bounty should be recovered and brought to Port Jackson, it is left in your discretion to detain her or employ her in such manner as you shall judge best.

If, by any accident, the Gorgon or Discovery should be disabled so as to be unfit to be employed on this service, it is left to your discretion to send the Sirius in the room of the Gorgon, and any light vessel, if any such should then be under your orders, in the room of the Discovery.

I have, &c.,
W. W. GRENVILLE.

[Enclosures.]

[Copies of these have not yet been found.]

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; received there 20th December, 1790.)

Government House, Sydney Cove,
April 10th, 1790.

10 April.

Sir,

Returns.

Returns of the detachment of marines doing duty in this colony, and of those officers and men who wish to remain after the three years for which they were embarked shall be expired, are inclosed for their Lordships' information.

Captain Shea.

Of the death of Captain Shea, which happened on the second of February, 1789, the major-commandant of the detachment has, I presume, informed their Lordships, as well as of the officers promoted by him on that occasion.

Captain
Meredith.

The officer mentioned in the return as unfit for duty is Captain Meredith; he was suspended by Major Ross, who thought his conduct such as made a general court-martial necessary; and that officer has requested that such court-martial may be ordered, as he deems his conduct to have been such as he can justify.

I have, &c.,
A. PHILLIP.

[Enclosure No. 1.]

[*A copy of the Return of the Marine Detachment has not yet been found.*]

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10 April.

[Enclosure No. 2.]

[*A copy of the Return of Marines desirous of remaining in the settlement has not yet been found.*]

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

April 11th, 1790.

11 April.

[*This despatch is practically a duplicate of that forwarded to Lord Sydney of the same date.*]

GOVERNOR PHILLIP TO LORD SYDNEY.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Lord Grenville 19th February, 1791.)

Government House, Sydney Cove,

My Lord,

April 11, 1790.

When I had the honor of concluding my letter of the 12th of February to your Lordship, I had been for some time in expectation of ships arriving from England. But no ships appearing, those expectations gave place to a fear that they might have met with some accident, and it became necessary to take such steps as appeared best calculated to provide for the immediate support of the people.

Anxiety re
provisions.

On the provisions landed to serve the settlement for two years considerable losses had been sustained, and his Majesty's ship Sirius and the Supply tender had been occasionally victualled from the stores, and the quantity of flour brought from the Cape of Good Hope by the Sirius was less than I expected—four months' flour only for the settlement, and a year's provisions for the ship's company; and it was necessary to give the ship a very considerable repair before she could be sent to sea again, which was not completed before the middle of January, when I had reason to expect ships from England in the course of a few weeks. The sending to the islands would have answered as far as procuring live stock to breed from, but which was not immediately wanted, and what the Sirius could have brought for the consumption of such a number of people would have been but a very small relief. Howe Island had been tried several times, and only a very few turtle procured. The goodness of the soil on Norfolk Island, and the industry of those employed there, render'd that island a resource, and the only one that offer'd when, from the

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11 April.

time which has passed since my letter might be supposed to have been received in England, there was reason to suppose some accident had happen'd to the store-ships sent out.

Detachment
sent to
Norfolk Island.

I therefore ordered two companies of marines to be ready to embark with a number of convicts by the 5th of March, if no ship arrived before that time, and a proportion of what provisions and stores remained in this settlement being put on board the *Sirius* and *Supply*, sixty-five officers and men, with five women and children from the detachment and Civil Department, one hundred and sixteen male and sixty-seven female convicts, with twenty-seven children, embarked and sailed on the 6th of March.

To relieve the
settlement at
Port Jackson.

The advantages I expected by sending away such a number of people was from the little garden ground they would leave, and which would assist those who remained, and the fish which might be caught in the winter would go the further. At the same time those sent to Norfolk Island would have resources in the great abundance of vegetables raised there, and in fish and birds, which this settlement could not afford them; and it was my intention to have sent more convicts to that island if there had not been this necessity, but I wished first to know the intentions of Government respecting this settlement.

The provisions sent, with what was on the island, and the wheat and Indian corn raised there more than would be necessary for seed, was calculated to last full as long as the provisions in this place; and at Norfolk Island, from the richness of the soil, a man may support himself with little assistance from the store after the timber is clear'd away.

Population
statistics.

The numbers at Norfolk Island, including those now sent, are—Civil, military, and free people, ninety; male convicts, one hundred and ninety-one; female convicts, one hundred; and children, thirty-seven. There remain at this settlement—Civil and military, one hundred and forty-one; women and children, sixty; male convicts, two hundred and ninety-seven; female convicts, seventy; and children, twenty-three.

Precautionary
measures.

The *Sirius* was to have proceeded from Norfolk Island to Canton or Batavia for provisions for the colony; but Capt. Hunter informed me that the number of people embarked, with the stores and provisions, did not leave room for the water and wood necessary for the voyage. I therefore thought it better for the *Sirius* to return to this port than to lose time in the passage by stopping to wood and water at any of the islands, for there was still a probability of ships arriving in the course of another month, in which case the voyage would be no longer necessary.

The settlement had been at two-thirds of the established rations from the 1st of November, and it was now reduced to something less than half a ration; consequently little labour could be expected from the convicts, and they are only employed for the public in the mornings, leaving the afternoons to attend to their gardens.

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11 April.
Rations.

As I wished to send an officer to England who could give such information as cannot be conveyed by letters, and the detachment was now divided, I replaced the officer who was superintendent and commandant at Norfolk Island by Major Ross. The officer I have recalled having been two years on the island is very capable of pointing out the advantages which may be expected from it, and I think it promises very fully the end proposed by making the settlement. It will be a place of security for the convicts, where they will soon support themselves, and where they may be advantageously employed in cultivating the flax-plant.

Lieutenant
King to carry
despatches.

I have had the honour of informing your Lordship that the Sirius and Supply sailed the 6th of March. The Supply returned to this port the 5th of April, when I received the following account from Captain Hunter* respecting the loss of his Majesty's ship Sirius. That he made Norfolk Island the 13th, and the next day landed all the people, when bad weather coming on no provisions could be landed till the 19th, when the weather was very fine, and the Sirius was brought to in the bay, and the boats were employed landing of provisions, when, finding the ship dropping fast to leeward, he made sail to get out of the bay, but the wind shifting they could not clear the reef, and the ship having missed stays, tho' the anchors were let go and everything done that was possible, she struck, and was lost on the reef. All the people were safely landed, and Captain Hunter had hopes of getting some of the provisions on shore, and I have the satisfaction of hearing from the officer who commands the Supply, and from the officers who have arrived in that vessel, that when they left the island the weather was such that there was no doubt but that all, or the greatest part, of the provisions and stores would be saved; in which case, by the best accounts I can get, they will have seven months' provisions at two-thirds of the established ration; but I am sorry to say that some of the officers have lost most of their effects.

Loss of the
Sirius.

Captain Hunter, with the ship's company (except those who came round in the Supply), must continue on the island till a ship can be sent to bring them off, but their situation with respect to provisions is better than it would be in this settlement.

Major Ross informs me that on the loss of the Sirius he had put the island under martial law, and which I have directed him

* Note 129.

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to continue while he thinks it necessary. That it was will be evident from two of the convicts having set the ship on fire when sent on board to save some live stock after the ship's company had been landed; the fire was very fortunately soon extinguished.

Rations.

It was now necessary to reduce the ration to two pounds and a half of flour, two pounds of pork, and two pounds of rice, for seven people for the day. At this ration, which is served to every one without distinction, the flour will last till the middle of November, the pork till the end of July, and the rice till the first week in September. Most labour is now laid aside, all the boats are employed in fishing, and what is caught goes to the public store, where it is served in lieu of pork; and there is no doubt but that we shall support ourselves till the Supply returns, if no ships arrive before that time.

Supply sent to
Batavia.

The Supply will be ready to sail for Batavia in a few days, in order to procure what flour that vessell can stow, and one of the lieutenants of the Sirius is to be left to follow in any ship that can be hired, to bring provisions to the colony. The Supply will call at Norfolk Island, as she goes to the northward, if the winds permit it without any great loss of time.

I have ordered the Supply to Batavia, as I do not think that vessell in a condition to attempt a winter's passage round the South Cape.

Lieutenant
King.

I beg leave to refer your Lordship for any particulars not mentioned in my letters to Lieutenant King, the officer I superseded by the Lieutenant-Governor, and from his great merit in his perseverance and good conduct while he commanded at Norfolk Island, as well as from his known merit in his corps as the officer, I recommend him with confidence to your Lordship's favour and protection.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; received there 20th December, 1790.)

12 April.

Sir, Government House, Sydney, 12 April, 1790.

Advances to
officers.

The officers of the detachment of marines doing duty in this settlement, having represented to me, on the Supply being ordered to Batavia, that they were in want of many necessaries, and the impossibility of drawing private bills, I have drawn on the treasurer of his Majesty's navy for £182. And have to request that you will move their lordships to direct that bill to be paid, and the sums expressed against the officers' names in the enclosed list to be stopped from their pay to make good the same.

A. PHILLIP.

A list of the officers of the detachment of marines at Port Jackson, New South Wales, with an account of the sums of money to be stopped from their pay. April 10th, 1790.

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12 April.

Captain James Meredith	£20
Captain Lieut. Watkin Tench	12
First Lieut. John Poulden	30
First Lieut. Thomas Davey	20
First Lieut. Thomas Timins.....	20
Second Lieut. William Dawes	10
Second Lieut. and Adjutant John Long.....	40
First Lieut. and Q'rmaster James Furzer	30

JAMES CAMPBELL, Captain.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Dear Nepean, Sydney Cove, April 12th, 1790.

Mr. Miller will give you this, and I doubt not of your readiness to serve him. You know his pay was very little, and his Conduct has been such that he never has received any kind of advantage from his Situation as Commissary; so very from it, that had he not lived in my House and free from every expence when at Rio de Janeiro and the Cape, his Pay would not have been equal to his expences. He has lost his health, and if Government gives him fifty pounds a year for his life, it will make an honest Man happy.

Commissary
Miller.

In recommending him to Lord Sydney you'll much oblige a very sincere friend.

A. PHILLIP.

I have written to Lord Sydney in Miller's favour.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Lieut. King in the Supply to Batavia, thence by Dutch packet to England; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Dear Nepean, Sydney Cove, April 13, 1790.

13 April.

Lieutenant King will give you this letter, and can inform you particularly of the situation in which he leaves us.

Lieutenant
King.

Two years' good conduct and perseverance, exerted for the public good, will, I hope, give him a step in the Navy; and if ever you want to employ an officer where patience and exemplary conduct is requisite you will thank me for pointing him out. I know his merit, and recommend him to your support. You will,

1790.
13 April.

I hope, give him every assistance in your power, and with which, and Lord Sydney's countenance and protection, I make no doubt but that he will get the rank he has well earned.

I have few moments for private letters, as the Supply will be ready for sea on Thursday. This is Monday, and I do not wish to detain her.

You know where every good wish is due. Make them acceptable, and believe me, dear Nepean,—

Yours, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(A private letter per Lieut. King; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Dear Nepean,

Sydney Cove, April 13, 1790.

Commissary
Miller.

The Commissary who was appointed for this colony through your friendship has acted so unlike the Commissary that he has lost his health, and in three years has never made three shillings. In truth, my friend, he is obliged to resign his charge, for the warmth of this climate has, in the opinion of the faculty, irrecoverably destroyed his constitution; and I warmly recommend him to your interest with Lord Sydney for some stipend, however small. He has for three years discharged the trust reposed in him with the strictest honor and no profit, for you know his pay was only ten shillings a day. His conduct has merited the character I have given of him, and if he lives to reach England I hope he will meet with your countenance, which will add to obligations I owe you.

That health and pleasure may long attend you is the wish of,—

Yours, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.*

(Per Lieut. King; received in England 20th December, 1790.)

14 April.

My Lord,

Sydney Cove, April 14th, 1790.

While I have the honor of assuring your Lordship that I retain a just sense of past favours, permit me to lay myself under fresh obligations.

Lieutenant
King.

The officer charged with my despatches to your Lordship has conducted himself with so much propriety and exerted himself during the two years he commanded at Norfolk Island in such a manner that I feel it a duty to request that your Lordship will procure him the rank of master and commander in the Navy.

Commissary
Miller.

And the Commissary of this settlement being obliged to resign his charge and return to England on account of his ill state of health, which, in the opinion of the faculty, never will be re-established, I as earnestly request your Lordship to recommend

him to his Majesty's bounty, and which I hope his loss of health and the strict honor with which he has discharged the trust reposed in him will be thought to merit.

1790.
14 April.

This, my Lord, is asking two favors in one letter; but I know Lord Sydney to be ever ready to reward merit, and I hope he knows me too well to believe I ever would recommend those I was not confident were deserving of his protection.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO LORD SYDNEY.*

(A private letter per Lieut. King; acknowledged by Lord Grenville, 19th February, 1791.)

My Lord,

Sydney Cove, April 15th, 1790.

15 April.

Tho' I seldom have an opportunity of assuring your Lordship of my respect, when it offers I embrace it with pleasure. The officer charged with my despatches can give every information which may be desired respecting this settlement, and as the Supply is now ready to sail, I have only time to say that I hope a continuance of that friendship with which Lord Sydney has honoured me, and that my respects and every good wish may be made acceptable to Lady Sydney and family.

As the settlement is now fixed, whenever his Majesty's service permits, I shall be glad to return to England, where I have reason to suppose my private affairs may make my presence necessary; but which I do not ask in any publick letters, nor should I mention a desire of leaving this country at this moment but that more than a year must pass before it can possibly take place, and I make no doubt but that every inconveniency now felt in this colony will be done away before this letter reaches your Lordship. I am sorry to say that nine-tenths of us merit every little inconveniency we now feel.

Request for
leave of
absence.

A pair of pidgeons, for Lady Chatham, will, I hope, live to be accepted.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Lieut. King; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Dear Sir,

Sydney Cove, 15th April, 1790.

I have to request that the necessary instructions may be sent out respecting those convicts who say their terms of transportation are expired,† of which we already have a great number, very few of whom are desirous of becoming settlers in this country.

Convict Indent
Papers.

I have, &c.,

A. PHILLIP.

* Note 130. † Note 131.

1790.
15 April.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(A private letter per Lieut. King; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Dear Nepean, Sydney Cove, April 15th, 1790.

The Supply will sail immediately, and the necessity of sending to Batavia for provisions will I presume be obvious; I do it more from being persuaded that some accident must have prevented the ships arriving.

Requests leave
of absence.

In a private letter to Lord Sydney I have express a wish to have leave to return to England, when the service permits, a request I should not have made at this moment but that the inconveniences under which the colony now labours will be done away long before my letters can reach England, and more than a year must pass before I can have any answer. Mrs. Phillip was supposed to be dying when I left England, and whoever the estate goes to some steps should be taken to secure the payment of two annuities for which I gave security, and for which it is probable no provision will be made. *I should have no objection to return here*, but some little change would, I hope, be thought necessary—I mean respecting myself; but how far that may be practicable you can judge. You may mention it to Lord Sydney, if you think it necessary, and whatever he determines I should think best; but to come to England for a twelve month is what I wish, for many reasons.

You will say that my letters are short, but I have few moments for private letters.

Dismal accounts will, I make no doubt, be sent to England, but we shall not starve, though seven-eighth of the colony deserves nothing better; the present want will be done away by the first ship that arrives. Health and happiness attend you; say the same to Mrs. Nepean and to your brother, and believe yours, &c.,—

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Lieut. King; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Dear Sir, Sydney Cove, April 15th, 1790.

Orders to
Lieut. Ball.

I have enclosed a copy of the orders given to the officer (Lieut. Ball) who commands the Supply for his proceeding to Batavia, in which I have only directed the procuring six months' provisions for the settlement, more than what the Supply will bring, as I make no doubt but that ships from England will arrive before the time expires for which that quantity of provisions will last.

I am, &c.,

A. PHILLIP.

[Enclosure.]

GOVERNOR PHILLIP'S ORDERS TO LIEUTENANT BALL TO PROCEED TO
BATAVIA.

1790.
15 April.

Orders to
Lieut. Ball.

Sydney Cove, 14th April, 1790.

By His Excellency Arthur Phillip, Esquire, Captain-General and Governor-in-Chief in and over His Majesty's Territory of New South Wales, and its Dependencies, &c., &c., &c.

You are hereby required and directed to receive on Board His Majesty's armed Tender under your Command Lieutenant Phillip Gidley King, who is charged with my Dispatches, and proceed to Batavia, where that Officer is to be landed; and you will, immediately on your Arrival, wait on the Governor-General or Commander-in-Chief of that Settlement, and request that you may be permitted to purchase such a Quantity of Flour for the Use of this Settlement as the Vessel under your Command can stow, with the necessary Provisions for your People for Eight Months, Spirits excepted, of which you are to receive on Board only Four Months; and you are at the same Time to request, that the Governor and Council will permit a Ship to bring Provisions to this Colony, the immediate Necessity of which (from the Store Ships not having arrived) you will explain.

And you are hereby authorized and directed to enter into such Engagements as the Governor and Council of Batavia may think necessary for the Payment of such Provisions as may be intended for this Settlement, and for the Freight of the same. The Species and Quantity of Provisions wanted is, Flour, Two hundred thousand Pounds; Beef, Eighty thousand Pounds; Pork, Sixty thousand Pounds; and Rice, Seventy thousand Pounds. You will draw Bills on the Lords Commissioners of His Majesty's Treasury for what you purchase for the Use of this Settlement, and taking Care that they are accompanied by proper Vouchers that the same was bought at the Market Price; and after having received on Board the armed Tender under your Command the Provisions necessary for your People, and as large a Quantity of Flour as the Vessel can stow, with the Articles named in the Margin for the Use of the Hospital, you are not to lose a Moment's Time in leaving Batavia to return to this Port, either on Account of any Ship that may be offered, or on any other Account whatever, but leave the Ship that is to bring a further Supply of Provisions to this Settlement to follow, and which you are, as far as depends on you, to direct may be with all possible Expedition. And as the Owners or Commander of the Ship may wish to have an Officer who has some Knowledge of this Coast, you are in that Case to put on Board the Officer you take with you for that Purpose.

1790.
15 April.

If after leaving this Port the Wind and Weather permits your calling at Norfolk Island (but which you are not to attempt if likely to be attended with the Loss of more than Five or Six Days), you are to land Lieutenant Newton Fowel, of His Majesty's Ship Sirius, and receive on Board, in his Room, Lieutenant William Bradley, of the said Ship, which Officer is to be left at Batavia, as before mentioned, on Board of such Ship as may be freighted for this Settlement.—But the Officer intended for that Service is to return in the Supply, if no Ship is engaged to leave Batavia within Six Weeks after you sail from thence.

In making your Passage to Batavia it is left to your own Judgment to go to the Eastward of New Ireland, or by Captain Carteret's Passage.

And in Execution of these Orders you are to use every possible Diligence to return to this Settlement in the shortest Time possible.

Government House, Sydney Cove, this 14th day of April,
1790.

A. PHILLIP.

To Lieut. H. L. Ball,

Commander of His Majesty's armed Tender Supply.

By Command of His Excellency,

DAVID COLLINS, Secretary.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Lieut. King; acknowledged by Under Secretary Nepean, 12th March, 1791.)

Government House, Sydney Cove,

April 16th, 1790.

16 April.

Dear Sir,

Commissariat
stores.

The inclosed account will shew the provisions remaining in the settlement, and the time for which the different species will last. Some pork will be saved by the fish, but no deduction has been made for the loss on every cask, and which amounts to some pounds. I suppose that the pork may last until the first week in September.

Live stock.

Although the live stock in the settlement is very inconsiderable, I was desirous of what there is being given up for the publick, but the general opinion was that the hogs (which are the principal part of our live stock) were, most of them, so poor that those which would be found fit to kill would not be an object; the Commissary has purchased some, which have been served to the people.

When the pork is expended we shall be able to make some addition to the present ration of flour, and as we shall not be able

to get the ground in order to sow all our seed wheat (that is, all we have raised), about one hundred and fifty bushels will be served to the people, when the rice is expended; so that we shall make the provisions last untill the Supply returns, although no ship from England should arrive; and I have observed in a former letter that they will be less pressed for provisions at Norfolk Island.

1790.
16 April.
Live stock.

The provisions set apart for the people belonging to the Supply, and to victual that vessel in the spring, if it should be then found necessary to send her to the Cape of Good Hope, being no longer requisite for that purpose, have given to the settlement more provisions than were calculated when the Sirius sailed.

I have thought it necessary to be thus particular as to the real state of the provisions in the settlement, as I think it probable that report may make our situation more unpleasant than it really is.

I am, &c.,
A. PHILLIP.

[Enclosure.]

Sydney Cove.

AN Account of Provision in this Settlement the 12th of April, 1790:—

Pork ... 23,851	} pounds	.....	} 26th of August.
and Beef ... 1,280			
Rice ... 24,455	} pounds	Which will last at the present ration till the	} 13th of September.
and Pease ... 17			
Flour ... 56,884	} bushels	.....	} 19th of December.
and Biscuit ... 1,924			

The present ration is—

Pork or Beef, two pounds	} For one man or woman for seven days.
Rice, two pounds, or in lieu thereof, two pints of Pease	...	...	...
Flour, two pounds and a half	...	...	...

JNO. PALMER, Commissary.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 1, per store-ship Justinian, *via* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

Sir, Sydney, June 14th, 1790. 14 June.

The approbation which his Majesty has been pleased to express of my conduct* can only be merited by an earnest desire of faithfully and successfully discharging the trust reposed in me.

It is, sir, through you that I am honoured with this mark of attention from my Royal Master, and through you, sir, I hope that my grateful sense of his Majesty's bounty will be made known.

Address of officers.

* Note 132.

1790.
14 June.
Address of
officers.

The address I received on his Majesty's being happily restored to health I have the honor to enclose; and faithfully attached to His Royal person, by every tie of duty, gratitude, and affection, I rejoice in the happy event.

I have, &c.,

A. PHILLIP.

[Enclosure.]

ADDRESS OF OFFICERS ON THE RECOVERY OF KING GEORGE III.

The humble address of the officers of the Civil and Military Establishment in the Territory of New South Wales, to His Excellency Arthur Phillip, Esq., Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies.

WE, his Majesty's most dutiful and loyal subjects, the officers of the Civil and Military Establishments in New South Wales, filled with the deepest sense of gratitude for the mercies of Almighty God in restoring our most Gracious Sovereign to health from a dangerous and afflicting sickness, most humbly beg to approach your Excellency with our sincere and heartfelt congratulations on that happy and distinguished event, and to declare our unshaken loyalty and attachment to his Majesty's person and government.

The little community which has now the honor of addressing your Excellency for the first time cannot pass it by without anticipating in idea the many and memorable occasions which will be presented hereafter to his Majesty's faithful subjects of this distant settlement to congratulate him and his illustrious descendants—whether extending the arts and blessings of peace, or covered with the trophies of necessary and glorious war.

Although from remoteness of situation, and want of intercourse with the seat of government, we are the last in his Majesty's far extended empire to testify our joy on this occasion, we trust that our zeal and fidelity to his Royal person will for ever remain unquestioned, as we know them to be pure and unalterable.

Actuated by the warmest wishes to promote the interests of our country, and the increasing splendour of his Majesty's auspicious reign, all which can add to his domestic felicity must ever be regarded by us as sacred and inviolable.

We further beg leave to assure your Excellency that we shall not fail with our unfeigned thanks to offer up our most sincere and fervent prayers to that Being in whom alone are the issues of life for the continued safety, long life, and prosperity of his Majesty and his illustrious House. And that his Royal Consort,

our revered Queen, may conjointly with him continue to receive and enjoy every earthly felicity, is what we do and shall humbly and ardently supplicate of the Dispenser of all Good.

1790.
14 June.

Sydney, New South Wales, 14th June, 1790.

*DAVID COLLINS.	HENRY WATERHOUSE.
RICHARD JOHNSON.	JAMES MEREDITH.
JOHN WHITE.	WATKIN TENCH.
JOHN PALMER.	JAS. FURZER.
AUGUSTUS ALT.	JOHN POULDEN.
GEORGE BONCHIR WORGAN.	WILLIAM DAWES.
WILLIAM BALMAIN.	THOMAS DAVEY.
THOMAS ARNDELL.	JOHN LONG.
GEO. WM. MAXWELL.	

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 2, per store-ship *Justinian*, *viâ* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

Sir, Sydney, New South Wales, June 14th, 1790.

I am favoured with your letter† informing me that his Majesty has been pleased to honor you with the seals of the Home Department.

Change in
Home
Department.

I have, sir, great pleasure in congratulating you on that appointment; my despatches in future shall be addressed accordingly, and I have the honor to assure you that I am with great respect, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 1, per store-ship *Justinian*; acknowledged by Under Secretary King, 10th January, 1792.)

Sir, Sydney, New South Wales, 14th June, 1790.

I have received your Letters of the 2nd of June, 1788, and the 3rd of June, 1789, inclosing Copies of the Estimates upon which the Grants for the Civil Establishment in this Colony, are founded, for my Direction in the Application thereof.

Acknowledg-
ment of
Estimates.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 2, per store-ship *Justinian*; acknowledged by Under Secretary King, 10th January, 1792.)

Sir, Sydney, New South Wales, 16th June, 1790.

16 June.

I am favoured with your Letter which inclosed the Copy of a Letter from Mr. Rose, relative to the Ration issued to His

Acknowledg-
ment of letter.

1790.
16 June.

Majesty's Troops in the West Indies, and the Directions I have now received on that Head will be complied with in future.

The Information laid before the Lords of the Treasury, I received from Major Ross, who informed me, that he had received it from Officers who had been in the West Indies; and at the same time the Eighth which had been stopped in favour of Government, was discontinued on the same Authority.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 3, per store-ship Justinian, *viâ* China; acknowledged by Under Secretary King, 10th January, 1792.)

Sydney, Port Jackson,
16th June, 1790.

Dear Sir,

Despatches.

By the Lady Juliana, which arrived here the 3rd instant, I am favored with your letter of the 20th of June, 1789, acknowledging the receipt of my letters down to the 16th of November, 1788, and informing me that I should receive letters from Mr. Secretary Grenville respecting the provisions, stores, &c., sent out, and that care would be taken to forward, from time to time, the necessary supplies, until the settlement shall be in a condition to provide for the support of its establishment; that by the Guardian I should receive the necessary instructions relative to the granting of lands, with such other information as might be judged necessary for my guidance, together with a remittance for the payment of the artificers of the marine detachment.

I have, sir, received Mr. Secretary Grenville's letters respecting the supplies sent out, and the instructions for the granting lands, but I have not received the remittance intended for paying the marine artificers,* nor can I learn from any person on board the Lady Juliana whether it was on board the Guardian or not.

Loss of
Guardian.

By the unfortunate loss of that ship this colony was deprived of those very liberal supplies ordered by Government, the want of which has thrown the settlement back so much that it will require a length of time to put it in the situation it would have been in at this moment had the Guardian arrived, as she would have done but for that unhappy accident, before I was obliged to send away the Sirius, to give up labour, and destroy the greater part of the live stock. The Sirius did not sail until the 6th of March, and the Guardian would have arrived by the first week in February.

I am, &c.,
A. PHILLIP.

* Note 135.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.
(Despatch No. 3, per store-ship *Justinian*, *viâ* China; acknowledged
by Rt. Hon. Henry Dundas, 10th January, 1792.)

1790.
17 June.

Government House, Sydney Cove,

Sir, 17th June, 1790.

I am honoured with your dispatches* by the Lady Juliana, Despatches.
which ship arrived on the 3rd instant; and with the duplicates
and dispatches put on board that ship from the Guardian at the
Cape of Good Hope.

The Royal Instructions respecting the grants of land to be
made to settlers, and the encouragement to be held out to those
non-commissioned officers and privates belonging to the detach-
ment of marines who may be inclined to enlist in the corps by
which they are to be relieved, or to become settlers, shall be
obeyed; and a particular attention shall be paid to what relates
to the female convicts, the provisions and clothing.

The dispatches sent home by Lieutenant King, who sailed for The natives.
Batavia, the 17th of April, in the Supply, tender, will shew that
settlers have little to apprehend from the natives, against whom
I have never thought any defence necessary.

When we first landed it was to have been wished, but at that
time, and for that time, and for months after that period, the
slightest defence could not have been made without neglecting
what was so immediately and absolutely necessary—the securing
of stores and provisions. I believe there is little reason to think
that the natives will ever attack any building, and still less to
suppose they will attack a number of armed men; not that I
think they want innate bravery—they certainly do not—but they
are sensible of the great superiority of our arms. Setting fire to
the corn I most feared, but which they never have attempted;
and as these avoid those places we frequent, it is seldom that any
of them are now seen near the settlement. The cattle, if they
find them in the woods, they undoubtedly will destroy, which is
all I believe the settlers will have to apprehend. Their attacking
stragglers is natural, for those people go out to rob the natives of
their spears and the few articles they possess; and as they do it
too frequently with impunity, the punishments they sometimes
meet with are not to be regretted—they have had a good effect.

The detaching a body of convicts to any distant place, which
the soil and other circumstances might render desirable, as
pointed out in the letter of the 19th,† would at present be
attended with many inconveniences. On the borders of the

New
settlements
undesirable.

* Note in Margin: Letters received; dated, 5th June, 19th June, 19th June
22nd August, 22nd August, 24th August 1789.

† Note 108.

1790.
7 June.

several rivers which have been discovered there are some desirable situations, but superintendants and store-keepers must be sent with convicts who are detached, and stores must be erected. A superintendant at a distance should be not only a good farmer, but a man who would feel himself interested in the convicts labouring successfully for the benefit of the Crown; and barns and houses are works of labour which require time to erect.

If settlers are sent out many difficulties will be removed; they may choose those situations to which, for the above reasons, I cannot at this moment detach convicts; and I have had the honor of observing in my former dispatches that settlers appear to be absolutely necessary. If they bring with them people to clear and cultivate the land, and provisions to support those they bring with them, they will want very little assistance from Government after they arrive; but no soldier or other person in this settlement could at present accept of the assistance of convicts in cultivating the land which might be granted them on the conditions pointed out in the instructions—"of feeding and cloathing them." I believe, sir, that it will be little less than two years from the time of granting the lands before those lands will support the cultivators. I may err, but I give my opinion to the best of my judgment.

Conditions at
Norfolk Island.

At Norfolk Island settlers may be able to support themselves in less time; perhaps one year's support from the Crown may be thought sufficient, for there the soil is very rich, and when the pine-trees are cut down the roots soon rot in the ground; but here the soil, though very good, is less luxuriant, and the roots of the large gum-trees, if not grubbed up, will remain in the ground for years, and the labour of clearing the land of such heavy timber is very great.

Settlers'
prospects.

A settler who has to depend on his own labour will get on very slowly, but as there are some places on which but little timber is growing, such spots shall be selected for those non-commissioned officers and privates who may be inclined to settle; and I shall govern myself by the instructions I have received, unless otherwise directed.

If the settlers first sent out are, in addition to their knowledge as farmers, possessed of some little property, will it not, sir, act as a security for their industry? Men able to support themselves, if intelligent and industrious, I think cannot fail; but if people come out (and such, I fear, may offer) who are indolent, and having nothing to lose want that spur to industry, they may become a burthen to the settlement, for they cannot be left to starve. Could an hundred of those who have been sent out to

form this colony be removed it would be greatly benefitted, since they are as great burthen here as they would be to their parishes if in England.

1790.
17 June.

As it may appear that we have not made that advance towards supporting ourselves which may have been expected, I will, sir, beg leave to observe that in addition to those untoward circumstances, which have thrown the settlement so far back, it never yet has been possible to direct the labour of more than a small part of the convicts to the principal object. A civil and military establishment form a considerable part of our numbers, which is increased by women and children, all of whom are undoubtedly necessary, but are a deadweight on those who have to render the colony independent for the necessaries of life. Stores, barracks, and houses have required time, and we have still stores and barracks to build in the stead of those temporary ones at first erected. Settlers will secure themselves and their provisions in a short time, and everyone they feed will then be employed in cultivation.

Progress of
the colony.

To making Norfolk Island the principal settlement there is one objection, which, I think, renders it impossible to be done until that island is so far cultivated that it can support itself. There is no harbour or good roadstead, and landing provisions is attended with some difficulties. I hope the loss of the *Sirius* will not set the island in a more unfavorable point of view, for which, with the loss of that ship, I see no reason. It was an accident; but, sir, you will be fully informed as to what may be expected from Norfolk Island by the officer who made the settlement—an officer of merit, and who could be ill-spared; but I thought it necessary to send home some person to give that information which could not so well be conveyed in letters, and it was my intention to have detained that officer here until the *Sirius* returned from China, that he might have had more perfect knowledge of the country round this settlement, but which the loss of that ship prevented.

Disadvantages
of Norfolk
Island.

The situation of Port Jackson between two harbours, so that if a ship falls in with the coast in bad weather a few miles either in the northward or the southward she can find immediate shelter, is a great advantage; and I believe it will be found hereafter that the seat of Government has not been improperly placed.

Advantages
of Port
Jackson.

We, as first settlers, labour under some inconvenience from not being able to employ the convicts in agriculture on the spot where the provisions and stores are landed, but this is the only inconvenience, as having the convicts at some distance from the military is attended with many advantages.

1790.
17 June.

Reasons for
first choice of
Sydney Cove.

Parramatta.

I had little time to look round me when I first arrived, for my instructions particularly pointed out that I was not to delay the disembarking the people, with a view of searching for a better situation than what Botany Bay might afford. I was obliged to look farther, but I did not think myself at liberty to continue my research after I had seen Sydney Cove. Had I seen the country near the head of the harbour I might have been induced to have made the settlement there, but we knew nothing of that part of the country until the creek which runs up to Rose Hill was discovered in a journey I made to the westward three months after we landed; and although I was then fully satisfied of the goodness of the soil, and saw the advantages of that situation, most of our stores and provisions were landed, and it required some little time to do away with the general opinion that such a situation could not be healthy, and which I was inclined to think myself until I had examined the country for some miles round, and was satisfied that there was a free circulation of air, in the goodness of which few places equal it. The number of people who have been settled there on an average for eighteen months exceed one hundred, and in that time we have had only two deaths—a woman who had been subject to dropsy, and a marine who had been there but a very short time before he died.

It is, sir, in that part of the country, and which I have endeavoured to describe in my last despatches, that I propose employing the convicts in agriculture, and in the neighbourhood of which I proposed fixing the first settlers who might be sent out.

First township.

The impossibility of conveying stores and provisions for any distance inland will oblige me to mark out the first township near Rose Hill, where there is a considerable extent of good land. The sea-coast does not offer any situation within our reach at present which is calculated for a town whose inhabitants are to be employed in agriculture.

Assigned
servants.

As I thought the first settlers sent out might require more encouragement than those who might come out hereafter, I proposed in my last despatches giving them a certain number of convicts for two years, and supporting them during that time at the expense of the Crown. The number intended to receive that indulgence may be limited to the first fifteen; but I think, sir, much will depend on ensuring the success of the first settlers sent out, and who I presume will be good farmers. The assistance proposed for them will certainly put them at their ease, if they are industrious men, and would not, I apprehend, be any great loss to the Crown.

In order to know in what time a man might be able to cultivate a sufficient quantity of ground to support himself, I last

November ordered a hut to be built in a good situation, an acre of ground to be cleared, and once turned up it was put into the possession of a very industrious convict, who was told if he behaved well he should have thirty acres.* This man had said the time for which he had been sentenced was expired, and wished to settle. He has been industrious, has received some little assistance from time to time, and now tells me that if one acre more is cleared for him he shall be able to support himself after next January, which I much doubt, but think he will do tolerably well after he has been supported for eighteen months. Others may prove more intelligent, though they cannot well be more industrious.

1790.
17 June.

The first
farmer.

I mention the particulars respecting this man that some judgment may be formed of what an individual will be able to do if no assistance is given him more than the year's provisions.

I am desirous of securing the success of the first settlers, but shall attend to the instructions I have received until I am honored with an answer to my last despatches; and, as I have before observed, if settlers coming out bring people with them, and provisions to support those they bring, the assistance they will want may be given at a very small expence on the part of the Crown.

The river Hawkesbury will, I make no doubt, offer some desirable situations, and the great advantages of a navigable river are obvious; but before a settlement can be made there proper people to conduct it must be found, and we must be better acquainted with the country. Settlers may be sent there hereafter, but then we must have small craft to keep up communication.

Hawkesbury
settlement
deferred.

The Lady Juliana being the only vessel in this country, I am obliged to send her to Norfolk Island, with a part of the provisions we have received; and had not that ship been chartered for China, I should have sent the Sirius's officers and men to England in her, but which I do not, as the master of her says that it would be attended with a loss of more than six thousand pounds to the owners, and consequently might occasion an expence to Government which would exceed what attends their remaining a few months longer in this country, and I am not willing to break through the charter,† as other ships are coming out. As the Lady Juliana must go to Norfolk Island with provisions, and one of the superintendants professes himself to understand the cultivation and dressing of the flax-plant, I shall send thither most of the women brought out in that ship. When the ships arrive with the male convicts an equal number shall be sent, and the number of convicts on that island shall be increased in future as directed.

Lady Juliana
sent to
Norfolk Island.

* Note 136. † Note 137.

1790.
17 June.

But in addition to the officers I shall be able to send, I presume two or three magistrates will be necessary; if settlers come out for that island, perhaps some amongst them may be found to answer the purpose.

Command at
Norfolk Island.

As the number of convicts sent to Norfolk Island will require an officer of some experience, you will, sir, please to determine how far the second person in this colony may be the most eligible. I found it necessary to send the Lieutenant-Governor to replace Mr. King, but if the Lieutenant-Governor commands the corps coming out some difficulties will occur in sending them there, as only one company can be sent to the island, and the head-quarters of the corps should be with the commandant.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 4, per store-ship *Justinian*, *viâ* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

20 June.

Sir, Sydney, New South Wales, 20th June, 1790.

Despatch
acknowledged.

I am honored with your letter, dated the 24th of August, 1789, respecting the provisions, stores, and clothing sent out in the *Guardian* and *Lady Juliana*. The utmost attention shall be paid to the instructions contained in that letter for appropriating those articles to the purposes for which they are intended by the Government, and the Commissary shall be directed to make the necessary returns of their expenditure, to which, as I have done hitherto, I shall pay a particular attention. The strictest economy has ever been used, and every exertion has been made, on my part to put the colony in the situation recommended, of the necessity of which I am fully persuaded.

Prospects of
the colony.

How far the colony may be in such a situation as to be able to support the convicts after we have received those supplies which are intended to be sent out by the ships which are shortly to be expected, with very little further aid from Great Britain, some judgment may be formed from my despatches sent home by Lieutenant King, and from my letter of the 17th instant sent by this conveyance. I shall, sir, give you every information in my power as to the present state of the colony, and what I conceive may be expected; but I must beg leave to observe that this colony, from the day of our landing to the present hour, has laboured under every possible disadvantage, and many obstacles have been met with which could not have been guarded against, as they never could have been expected, and from the nature of which it may rather be a matter of surprise that a regular settlement exists than that it is not in a more flourishing state.

. Of the superintendants sent out in the Guardian for the purpose of instructing the convicts in agriculture five only are arrived in the Lady Juliana; and of the five superintendants who have arrived one only is a farmer, two say they were used to the farming business when seventeen and nineteen years of age, but they cannot, from the knowledge they then obtained, be able to instruct the convicts or direct a farm; and we are in great want of a good master carpenter, brick and tile maker. The two gardeners are said to be lost, having left the ship in a small boat after that unfortunate accident which deprived the colony of those supplies which had been so liberally provided by Government.

1790.
20 June.
Superinten-
dents.

The Guardian, but for the accident, would have arrived before I was under the necessity of sending the Sirius, with part of the detachment and a number of convicts, to Norfolk Island, where that ship was lost, and would have prevented the settlement from being thrown so far back that twelve months will not put it in the state it would have been at this time if that ship had arrived in February, early in which month it may reasonably be supposed we should have seen her, which was also prior to the time in which we were obliged to kill the greatest part of the live stock, and when, from the smallness of the ration to which the settlement was reduced, the labour of the convicts became what was little better than a cessation from all labour.

Effect of loss
of Guardian.

The artificers which were sent out in the Guardian have been detained at the Cape of Good Hope; and from what the officers on board the Lady Juliana says it is probable they will be returned to England. The great want of those people to carry on the necessary buildings will appear from the few artificers now in the settlement, and which are specified in the margin.* Carpenters are most wanted; of the six we have only three merit the name of carpenters. In our present state but little preparation can be made for the accommodation of a thousand convicts which are to follow the Guardian. A roof for a store-house, which has been framed several months, still remains on the ground, for it has not been possible to get the walls up; but the provisions sent out in the Lady Juliana and the seventy-five casks of flour put on board of that ship at the Cape from the Guardian, having enabled me to order the ration issued since the loss of the Sirius to be increased to four pounds of flour, two pounds of pork, and two pounds of rice for each person for seven days, a little more work will now be done.

Ration.

* Belonging to the detachment: 1 carpenter, 1 smith. Belonging to the "Sirius": 2 carpenters, 1 smith. Convicts: 6 carpenters, 4 smiths, 2 bricklayers, 1 stonemason, 4 men who work with the carpenters, brought up as seamen and servants.

1790.
20 June.
—
Skilled
workmen
wanted.

You will, sir, excuse this detail, by which the necessity of sending out some good artificers will be seen; and should it be judged necessary to send out any more superintendants of convicts, I beg leave to observe that little advantage will arise from them if they are not masters in the business in which the convicts they superintend are employed, for I have experienced in myself to how little advantage much time and pains may be wasted in attending to men who are employed as brickmakers, smiths, carpenters, or sawyers when the person attending on those people is not himself master of the business. But, sir, in looking forward, I have the honor to assure you that, as far as my judgment admits, every exertion shall be made to fulfill the intentions of Government, by enabling the colony to support itself; it has ever been the great object I wished to attain.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.
(Despatch No. 5, per store-ship *Justinian*, *via* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

25 June.
Despatches
acknowledged.

Sir, Sydney, New South Wales, 25 June, 1790.

I have acknowledged the receipt of your letter dated the 24th of August, 1789, and have the honour to assure you that a proper attention shall be paid to the observations contained therein.

The general invoice of what was sent by the *Guardian* and *Lady Juliana* I have received, but, unfortunately, only the *Lady Juliana* has reached this settlement.

Superinten-
dents.

I have, sir, observed in a former letter that five of the superintendants have arrived; one is a good farmer, a second says that he understands the cultivating and dressing of flax; as such, he will be a valuable man, and I send him to Norfolk Island; the others will undoubtedly be useful, but you will, sir, excuse me if I repeat what I have mentioned in my letter of the 17th instant—that it is professional men who are wanted as superintendants; we are much distressed for a good master carpenter, a sawyer, and a brick and tile maker, in whom some little confidence could be placed; for this settlement, except for a few weeks only, has never had such a person between the convicts employed in those branches and the Governor. This circumstance is mentioned to point out the great necessity of such people. Carpenters, sawyers, and bricklayers are likewise very much wanted.

I have, &c.,
A. PHILLIP.

The Surprize, Neptune, and Scarborough, transports, are arrived since writing the above, with about six hundred casks of beef and pork, which were sent round from the Guardian, and nineteen convicts, who had been sent out in that ship.

1790.
20 June.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.
(Despatch No. 6, per store-ship Justinian; acknowledged by the Rt. Hon. Henry Dundas, 10th January, 1792.)

Sir, Sydney, New South Wales, 2nd July, 1790.

2 July.

I have the Honor to enclose Duplicates of such Letters sent Home by Lieutenant King, as may be necessary to explain my Reasons for sending the Supply, Armed Tender, to Batavia, in order to purchase Six Months' Provisions for the Colony.

Duplicates of
despatches.

I have, &c.,

Lieut. Balls' Orders are enclosed.

A. PHILLIP.

[Enclosure.]

[*This enclosure had previously been forwarded with the letter of Governor Phillip to Under Secretary Nepean, April 15th, 1790.*]

UNDER SECRETARY NEPEAN TO GOVERNOR PHILLIP.

3rd July, 1790.

3 July.

[*This letter, a covering note for the estimates for defraying the charge of the civil establishment in the colony for the year 1791, has not yet been found.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 4, per store-ship Justinian, *viâ* China; acknowledged by Under Secretary King, 10th January, 1792.)

Sir, Sydney, New South Wales, 10 July, 1790.

10 July.

I have in my former letters requested the necessary information respecting the time for which the convicts sent out by the first ships were sentenced, and the intentions of Government respecting those convicts who, when that time is expired, may refuse to become settlers, and demand liberty to return to Europe. We have now near thirty under the circumstances, and their numbers will increase, as well as their discontents.*

Convict Indent
Papers wanted.

Ships stopping at this port, on their way to China, will always be ready to receive a certain number of healthy, able-bodied men, and those are the men we shall be the most desirous of retaining. You will, sir, be so good as to give me the necessary information

Ships want
sailors.

1790.
10 July.

on this head, if you have not already done it by the Gorgon. The indentures and assignments* received from the Surprize, Neptune, and Scarborough are very clear as to the term for which the convicts sent out in those ships have been sentenced, but no account has been sent out by the Lady Juliana for the women who embarked in that ship; however, the women will give us no trouble on that head.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 7, per store-ship Justinian, *via* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

13 July.

Sir, Sydney, New South Wales, July 13th, 1790.

Arrival of
second fleet.

The Lady Juliana arrived the 3rd of June, as mentioned in a former letter; and the Justinian, Surprize, Scarborough, and Neptune came in the 20th, 26th, and 28th. The enclosed return will show the state of the convicts landed from those ships, and the numbers that died on the passage. I will not, sir, dwell on the scene of misery which the hospitals and sick-tents exhibited when those people were landed, but it would be a want of duty not to say that it was occasioned by the contractors having crowded too many on board those ships, and from their being too much confined during the passage. The convicts having the liberty of the deck depended on the agent and on the masters of the ships; the agent died on the passage, and the masters say it was granted so far as was consistent with their own safety, and that many of the convicts were sick when sent from the hulks.

Condition of
transportees.

I believe, sir, while the masters of the transports think their own safety depends on admitting few convicts on deck at a time, and most of them with irons on, which prevent any kind of exercise, numbers must always perish on so long a voyage, and many of those now received are in such a situation from old complaints, and so emaciated from what they have suffered on the voyage, that they never will be capable of any labour.

Vessels for
Norfolk Island.

As I had no vessel to carry provisions to Norfolk Island, the Lady Juliana was cleared, and carpenters sent to refit her for that purpose, but finding that the necessary repairs rendered it uncertain in what time that ship could be got ready, I have discharged her from Government employ; and the Justinian and Surprize will be sent on that service; after landing the necessary stores and provisions, they will proceed to China according to

* Note 131.

their contract with the East India Company. I shall send some female convicts by these ships, and when the relief is sent to the island a proportion of male convicts shall accompany them.

1790.
13 July.

The preparations directed to be made in the letter marked No. 6* for one thousand more convicts shall be attended to, but the building of stores and barracks will find full employment for the few artificers in this settlement for some months; and the number of sick will employ all our carpenters for some time in procuring them shelter.

By the surgeon's returns of this day there are 488 under medical treatment; when the ships arrived we had not fifty people sick in the colony.

I have, &c.,

A. PHILLIP.

[Enclosure.]

RETURN RELATING TO THE SECOND FLEET.†

An account of the number of male and female convicts embarked on board the following ships for New South Wales:—

Ship.	Males.	Females.
Neptune	424	78
Died on their passage ...	147	11
Surprize	256	...
Died	36	...
Scarborough	259	...
Died	73	...
Emarked	1,017	89
Died before leaving England	11	...
Sailed	1,006	89

Number returned from the ships previous to their leaving England:—

Neptune	3
Surprize	2
Scarboro'	6

Convicts received from the Guardian on board the different ships at the Cape:—

Neptune	12
Scarboro'	8

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 8, per store-ship Justinian, *viâ* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

Sir, Sydney, New South Wales, 14th July, 1790.

14 July.

The under-mentioned persons are those who have been represented in my former letters as being employed in the public

* Note 138. † Note 139

1790.
14 July.

service, and who you are pleased to say shall be recommended for a suitable compensation, if brought forward in my contingent account.

Henry Brewer.

Henry Brewer* has acted as Provost-Marshal by my warrant, dated 26th January, 1788, the person who was appointed to that charge when the civil establishment for this colony was fixed having remained in England. This person, now acting as Provost-Marshal, returns to England by the first ships; but will, I hope, be thought entitled to the pay for the time he has done the duty. He came out as a midshipman in the *Sirius*.

Henry Edward Dodd.

Henry Edward Dodd† has had the charge of such convicts who have been employed in clearing and cultivating land from the 1st of February, 1788. He is at present employed at Rose Hill, where his good conduct and industry induce me to recommend him as meriting three shillings per diem for the time he has been employed. The superintendants and convicts employed in agriculture are under his direction. I brought him from England, and he is engaged for the time I may remain in this country.

Thomas Freeman.

Thomas Freeman has been employed under the Commissary in issuing the stores from the 1st day of February, 1788. He came from England as captain's clerk of the *Sirius*.

Zachariah Clark.

Zachariah Clark has been employed under the Commissary in issuing provisions from the 30th of April, 1788. He came from England as agent to the contractor for the convicts who were first sent out.

William Broughton.

William Broughton has been charged with issuing the provisions at Rose Hill since the 20th of February, 1789. He came from England with the first ships.

I likewise beg leave to recommend each of the above persons for an allowance of three shillings per diem for the time they have been employed, and may continue in those employments. Thomas Freeman, one of the above, is now appointed by my warrant of the 10th of July, 1790, to act as Deputy Commissary of Stores and Provisions at Norfolk Island, with such salary as may be annexed to that appointment.

Walter Brodie.

Walter Brody came out in the *Sirius*, and has been employed as master-blacksmith since the 1st day of February, 1788. As such I recommend him as deserving two shillings per diem for the time he has been so employed.

John Irving.

John Irving, a convict who was emancipated for his meritorious behaviour, has been sent to Norfolk Island to act under the surgeon. This man was bred to surgery, and will, I hope, be thought to merit the moiety of an assistant surgeon's appointment from the time of his emancipation—the 28th of February, 1790.

Roger Murley [Morley] came out in the Sirius, and has been employed at Norfolk Island in issuing the stores and provisions. He will return to this settlement, and as he may be a very useful man in the colony will be recommended for some compensation, when I know whether he returns to England or remains as a settler.

1790.
14 July.
Roger Morley.

You will, sir, permit me to point out that the above description of people will labour under great inconveniences if they cannot receive their appointments in this country in future, and it will be the same with the superintendants.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 9, per store-ship Justinian, *via* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

Sir, Sydney, New South Wales, July 14th, 1790.

I am honoured with yours by the Scarborough, dated the 24th of December, 1789, and marked No. 6, inclosing a duplicate of the letter relating to the Spanish frigates (the original of which was received by the Neptune) and the establishment of the Corps raised for the service of this country.

Despatches.

I shall, sir, by the next conveyance inform you of the steps which shall have been taken in consequence of his Majesty's having been pleased to permit me to recommend three officers of the marine detachment, holding the rank of captain, first lieutenant, and second lieutenant, whom I may judge most deserving of his Majesty's favour, to be appointed to a company to be raised here from amongst the marines, and to be incorporated in the new corps with the rank of captain, lieutenant, and ensign.

Appointments to be made.

The arrival of Major Grose will enable me to answer the question put by those who are inclined to enlist, whether that allowance of spirits which has been issued to the marines is to be continued to the new corps, and whether they likewise are to have their rations gratis.

No time shall be lost after Major Grose arrives in sending home the detachment intended to be relieved, and I presume that the corps now raised for the service of this country will be very competent for every service for which they may be wanted.

Returns are inclosed of those officers and privates who have arrived in the Surprise, Scarborough, and Neptune, as likewise of the marines in this settlement.

Returns of N.S.W. Corps.

The directions relative to the ships chartered by the East India Company should have been complied with, and those ships

Detention of transports.

1790,
14 July.

discharged from Government employ immediately after the convicts, stores, and provisions had been landed, but for the reasons pointed out in a former letter. The not having any vessel to carry provisions to Norfolk Island, in consequence of the loss of his Majesty's ship *Sirius*, and the *Supply*, tender, having been sent to Batavia, obliges me to send the *Justinian* and *Surprize* on that service, but which will not be attended with the loss of much time, as after landing the stores and provisions they will immediately proceed on their voyage for China.

You will, sir, please to take into consideration the state of Norfolk Island, where the number of convicts will increase, and where at present no punishment can be inflicted beyond what a Justice of the Peace is authorized to direct.*

Condition of
Norfolk Island.

The Lieutenant-Governor, on the loss of the *Sirius*, put the island under martial law, but against the continuing of which there will be, I presume, a strong objection, as the small military force to be employed there may throw the administration of justice into the hands of a few very young men. When Major Grose arrives one company will be sent to relieve the detachment now on duty there. The captain of the company will relieve Major Ross until Mr. King returns, or untill I receive further directions; and I should hope that the power of the civil magistrate will be found quite sufficient to keep good order amongst the convicts untill I receive the necessary instructions on that head. I should gladly increase the civil power if I had the means, but which this colony does not afford me.

Appointment
of Lieut. King.

The knowledge I have of Lieutenant King, whom his Majesty has been pleased to appoint Lieutenant-Governor of Norfolk Island, leaves me no room to doubt but that he will endeavour to render himself worthy of that mark of his Majesty's bounty; and I hope his return to this country will not be prevented by the fear of losing an opportunity of attaining rank in the Navy.

Disadvantages
of Norfolk
Island.

I have, sir, in a former letter,† observed that Norfolk Island cannot well be made the seat of Government, not having a good harbour or roadstead, without which ships cannot deliver all their cargoes, having no place in which they can be secure while they take on board a necessary quantity of ballast.

Replacement
of *Sirius*.

I presume the Admiralty will replace the *Sirius*, and one or two small vessels are much wanted; they will be useful on many occasions, and give me a necessary knowledge of the coast between this harbour and the South Cape. From what I saw when I came on the coast in the *Supply*, I make no doubt but that several good harbours will be found, and it would, sir, be a very unpleasant circumstance, after being settled on the coast

* Note 140. † Note 141.

for such a length of time, to have those harbours first made known by ships of a foreign nation. The circumstances which prevented the Sirius or Supply from having been employed on this service have been pointed out in my former letters. If the small vessels are sent out in frame, shipwrights must be sent out in them; and I see no reason why they may not [make] the voyage; they should be coppered, and I have written to the Admiralty for that purpose.

1790.
14 July.

I have, &c.,
A. PHILLIP.

[Enclosure.]

NEW SOUTH WALES CORPS, 24 JULY, 1790.

N.S.W. Corps.

Captains:—Nicholas Nepean, William Hill.

Lieutenants:—Sydney, John McArthur, Edward Abbott; Rose Hill, John Townson.

Ensign:—John Thomas Prentice.

Surgeon's Mate:—John Harris.

Serjeants:—Four.

Corporals:—Four.

Drummers:—Four.

Privates:—Ninety-three.

Three privates had died since October 22nd, 1789.

One drummer and six privates had deserted.

MARINES, 24 JULY, 1790.

Marines.

Captains:—James Campbell and James Meredith.

Captain-Lieutenant:—Watkin Tench.

First Lieutenants:—John Poulden, James Maitland Shairp, Thomas Davey, Thomas Timins.

Second Lieutenant:—William Dawes.

Adjutant Second Lieutenant:—John Long.

Quarter-master Lieutenant:—James Furzer.

Judge-Advocate:—David Collins.

Also 8 serjeants, 8 corporals, 5 drummers, 96 privates.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 10, per store-ship Justinian, *viâ* China; acknowledged by Rt. Hon. Henry Dundas, 10th January, 1792.)

Sir,

Sydney, July 17th, 1790.

17 July.

Having answered all the letters with which you have honored me, I shall once more advert to the state of this settle-

State of the
Colony.

1790.
17 July.

ment, in order to give, as fully as is in my power, the information required as to the time in which I suppose the colony may be able to support itself without any further supplies from Great Britain.

My letters will, sir, inform you of the stores and provisions we have received by the different ships and of the miserable state in which the convicts were landed. To mark the time it may be supposed the colony will be able to support itself it will be necessary to point out those circumstances which may advance or retard that period. It will depend on the numbers employed in agriculture, who by this labour are to provide for those who make no provision for themselves; those are the civil and military, those who are employed in buildings and other necessary works, the aged, and others who have been sent out incapable of providing for themselves, and the women and children. These people form . . . * of the whole number in the settlement, and are the many who are to be provided for by the few. I do not reckon on the little labour which may be got from the women, tho' some are employed in the fields, and their numbers will be increased, as the greatest part will always find employment in making their own and the men's cloathing, and in the necessary attention to their children. The ground which the military may cultivate will be for their own convenience, and nothing from that quarter or from the officers in the civil department can be expected to be brought into the publick account. The providing houses and barracks for the additional number of officers and soldiers, rebuilding those temporary ones which were erected on our first arrival, and which must be done in the course of another year, as well as building more stone houses and huts for the convicts as they arrive, will employ a considerable number of people; and works of this kind will always be carrying on. Temporary buildings, when we first landed, were absolutely necessary; but they should be avoided in future, as after three or four years the whole work is to be begun again; and the want of lime greatly increases the labour in building with bricks, as we are obliged to increase the thickness of the walls, and cannot carry them to any height; at the same time if any heavy rains fall before they are covered in they are considerably damaged.

Temporary
buildings.

Employment
of convicts.

The inclosed return will show in what manner the convicts are employed at present, and I have increased the number of those employed in clearing the land for cultivation, as far as it will be possible to do it before next January, except by convalescents, from whom little labour can be expected.

Experience, sir, has taught me how difficult it is to make men industrious who have passed their lives in habits of vice and indolence. In some cases it has been found impossible; neither kindness nor severity have had any effect; and tho' I can say that the convicts in general behave well, there are many who dread punishment less than they fear labour; and those who have not been brought up to hard work, which are by far the greatest part, bear it badly. They shrink from it the moment the eye of the overseer is turned from them.

1790.
17 July.

The public farm at Rose Hill goes on well, but the loss of the Guardian, which obliged me to send many of the best men to Norfolk Island, and the little labour which could be drawn from those who remained, when on so reduced a ration, has prevented more than* 'acres of wheat, and* acres of barley being sowed this year. About* bushels of wheat and barley remain from our last year's crop, and I hope that next year a very considerable quantity of ground will be sown; but, sir, this settlement has never had more than one person to superintend the clearing and cultivating ground for the public benefit or who has ever been the means of bringing a single bushel of grain into the public granary. One or two others have been so employed for a short time, but removed as wanting either industry or probity; and should the person who has at present the entire management of all the convicts employed in clearing and cultivating the land be lost, there is not anyone in the settlement to replace him. Of the five superintendents sent out one only is a farmer. When he gets his health he will make a very useful man.

Public
agriculture.

Superinten-
dents.

I do not [wish] for many farmers to be sent out as superintendants, for few farmers will be found equal to the charge of a considerable number of convicts; but if two good men could be found, who, as well as being good husbandmen, had sufficient spirit to discharge the trust which must be reposed in them, they will be of great use. They will be necessary as the number of convicts increase, and the more so as the person† who at present has that charge will not settle in the country. It was supposed that a sufficient number of good farmers might have been found amongst the convicts to have superintended the labours of the rest; and men have been found who answer the purpose of preventing their straggling from their work, but none of them are equal to the charge of directing the labour of a number of convicts, with whom most of them are linked by crimes they would not wish to have brought forward, and very few of the convicts have been found to be good farmers.

* Blanks in manuscript.

† Note 81.

1790.
17 July.

Detached
settlements
impossible.

You will, sir, from what I have said, see how impossible it is for me to detach a body of convicts to any distance, as they must have a sufficient person to superintend and direct their labours, and a storekeeper to be charged with their provisions; nor do I at this moment see any necessity for it. The land at Rose Hill is very good, and in every respect well calculated for arable and pasture ground, though certainly loaded with timber, the removal of which requires great labour and time; but it is the same with the whole country as far as I have seen, particular spots excepted, and which, as they cannot at present be cultivated by us, for we cannot make detachments of convicts, I proposed giving to the first settlers who came out, as is mentioned in my letter No. * and if settlers should arrive before I receive any further directions on this head, and they should wish to be placed in such distant and separate farms, I presume complying with this request will not be deemed an improper deviation from my instructions.

Encouragement
to first settlers.

The consequence of a failure of a crop, when we no longer depend on any supplies from Great Britain, will be obvious, and to guard against which is one reason for my being so desirous of having a few settlers, and to whom, as *the first settlers*, I think every possible encouragement should be given. In them I should have some resource; and amongst them proper people might be found to act in different capacities, at little or no expence to Government, for as the number of convicts and others increase civil magistrates, &c., will be necessary.

Settlers in
townships.

The fixing the first settlers in townships will, I fear, prevent that increase of live stock which would be raised in farms at a distance from a great body of people, where the stock will be less liable to suffer from the depredations which may be expected from the soldier and the convict, and against which there is no effectual security. The convicts, if they are to be employed by the settlers, or those people they may bring with them, will be more industrious, and lay under less temptation to be dishonest, if living only twenty or thirty together, and detection will be easier.

Differences
between
convict and
free settle-
ments.

I wish, sir, to point out the great difference between a settlement formed as this is and one formed by farmers and emigrants who have been used to labour, and who reap the fruits of their own industry. Amongst the latter few are idle or useless, and they feel themselves interested in their different employments. On the contrary, amongst the convicts we have few who are inclined to be industrious, or who feel themselves anyways interested in the advantages which are to accrue from their labours,

* Blank in manuscript, *vide* note 141.

and we have many who are helpless and a deadweight on the settlement. Many of those helpless wretches who were sent out in the first ships are dead, and the numbers of those who remained are now considerably increased. I will, sir, insert an extract from the surgeon's report, who I directed to examine these people.

1790.
17 July.

Differences
between
convict and
free settle-
ments.

"After a careful examination of the convicts, I find upwards of one hundred who must ever be a burden to the settlement, not being able to do any kind of labour, from old age and chronic diseases of long standing. Amongst the females there is one who has lost the use of her limbs upwards of three years, and amongst the males two who are perfect idiots."

Such are the people sent from the different gaols and from the hulks, where it is said the healthy and the artificers are retained. The sending out the disordered and helpless clears the gaols, and may ease the parishes from which they are sent; but, sir, it is obvious that this settlement, instead of being a colony which is to support itself, will, if the practice is continued, remain for years a burthen to the mother country. The desire of giving you a full and clear information on this head has made me enter into this detail. Of the nine hundred and thirty males sent out by the last ships, two hundred and sixty-one died on board, and fifty have died since landing. The number of sick this day is four hundred and fifty; and many who are not reckoned as sick have barely strength to attend to themselves. Such is our present state; and when the last ships arrived we had not sixty people sick in the colony. But, sir, I hope the many untoward circumstances which the colony has hitherto met with are now done away; and I flatter myself that after two years from this time we shall not want any further supply of flour. At the same time, I beg to be understood that various accidents may render a supply necessary after that time. How long a regular supply of beef and pork will be necessary depends on the quantity of live stock which may be introduced into the settlement, and of its increase, of which I can form no judgment. The live stock with which we first landed was very inconsiderable, and has been accounted for in former letters. We have not at present any public stock in the settlement, what swine remained soon after we landed having been sent to Norfolk Island or distributed amongst the convicts.

Pease and such articles as formed the established ration will of course be expected by the regiment and the Civil Department; but flour, beef, and pork are the only species yet received. It was supposed some saving might have been made by the fish which

Provisions
required.

1790.
17 July.

Foundation of
Parramatta.

would have been caught, but I have always found that the established ration was expected while the store was able to furnish it.

I am laying out a town at Rose Hill, in which the principal street will be occupied by the convicts; the huts are building at the distance of one hundred feet from each other, and each hut is to contain ten convicts; in these huts they would live more comfortable than they could possibly do if numbers were confined together in large buildings, and having good gardens which they cultivate, and frequently having it in their power to exchange vegetables for little necessities which the stores do not furnish, makes them begin to feel the benefits they may draw from their industry. The huts now building are for the convicts who came out last, and they will form a street of one mile in length and two hundred feet in breadth. Some little inconveniencies attend the convicts being so much dispersed, but the being indulged with having their own gardens is a spur to industry, which they would not have if employed in a publick garden, tho' intirely for their own benefit, as they never seemed to think it was their own; and I do not find that many of these people who have now been some months in huts, and consequently more at liberty than they would be if numbers were confined together, have abused the confidence placed in them; when they have, it has been only by robbing a garden.

The convicts who will occupy the huts now building will be removed in a few years to cultivate lands at a distance, and I should suppose that settlers will hereafter be glad to build on the ground, which will remain the property of the Crown, as well as all the lands to a certain distance round the settlement, and increase in its value.*

Comments on
land grants.

Here, sir, in consequence of what is said in the letter† which accompanied the directions for granting lands, I shall take the liberty of offering to your consideration whether it would not be to the advantage of the Crown, and in nowise distressing to those to whom lands may be granted, if, in the room of the fine of one shilling to be paid for every fifty acres of land, a small proportion of grain was to be paid to the Crown, after the expiration of ten or fifteen years, was to be paid for every acre of grain sown.

The quantity being small would not, I apprehend, be felt by the cultivator of lands not subject to any other tythe, and would hereafter furnish a very considerable quantity of grain for the service of the troops.

* *Marginal Note by Governor Phillip*: "I propose reserving all the land for a certain distance round the settlement as the property of the Crown."

† Note 142.

There may be objections to a fine of this nature which I do not see, and I only give an opinion on a matter with which I am so little acquainted, as being desired to point out any regulation which might appear to me as tending to the advantages of the colony, and which will, I presume, hereafter support its garrison.

1790.
17 July.

It now only remains for me to assure you, sir, that everything which is possible shall be done to render supplies of provisions from England no longer necessary, and to make this colony answer the intentions of Government, in which I feel myself so much interested, and which has ever been the guide of my conduct, independent of every other consideration.

I have, &c.,

A. PHILLIP.

[Enclosure.]

GENERAL RETURN OF MALE CONVICTS.

Sydney, 23rd July, 1790.

Forty making bricks and tiles; 50 bringing in bricks, &c., for the new store-house (N.B.—This is only a temporary employment, these men being intended for agriculture at Rose Hill in a few days); 19 bricklayers and labourers employed in building a store and huts at Rose Hill; 8 carpenters employed at the new store, and in building huts at Rose Hill; 9 men who can work with the axe, and who assist the carpenters; 2 sawyers; 9 smiths; 10 watchmen*; 40 receiving provisions and stores from the ships; 12 employed on the roads—mostly convalescents; 18 bringing in timber; 4 stonemasons; 10 employed in the boats; 3 wheelwrights; 6 employed in the stores; 38 employed by the officers, Civil and Military Departments, at their farms (these men will be employed for the public when the relief takes place); 2 assistants to the provost-martial; 3 gardeners and labourers employed by the Governor; 3 coopers; 6 shoemakers; 4 taylors; 5 bakers; 6 attending the sick at the hospital; 3 barbers; 3 gardeners and others employed at the hospital; 3 employed by the Governor bringing in of wood—316 at work; 413 sick. Total, 729.

Employments
of convicts.

At Rose Hill.

Two employed at the store; 3 servants to the three superintendants; 1 employed in taking care of the stock; 2 employed at the hospital; 5 men who work with the axe, building huts; 1 baker; 1 cook; 4 boys variously employed; 1 assistant to the

* Note 113.

1790.
17 July.

provost-martial; 3 thatchers; 1 servant to the storekeeper; 1 servant to the assistant surgeon; 4 overseers; 25 sick; 113 clearing and cultivating the ground; 12 sawyers. Total, 179.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per store-ship *Justinian*, *viâ* China.)

Sir, Sydney, New South Wales, 17 July, 1790.

Despatches.

By the arrival of the *Lady Juliana*, transport, on the 3rd of last month, I was favoured with your first, second, and third letters of the 28th of August, 1789.

Loss of *Sirius*.

My letter of the 10th of April, 1790 (duplicate of which accompanies this), will have informed their lordships of the loss of his Majesty's ship *Sirius*, and of the reasons which induced me to send the *Supply*, armed tender, to Batavia; and I presume their lordships are by this time acquainted with the unfortunate event that prevented the arrival of the *Guardian* in this settlement.

Warship
supplies.

You will, sir, be pleased to acquaint their lordships, that the commissary has directions to transmit an account of such stores and provisions as he has received for the *Sirius*, and *Supply*, armed tender.

The ships which have arrived being chartered for China, I wait the arrival of the *Gorgon* before the officers and men, late belonging to the *Sirius*, can be sent to England, as the detaining any of the transports would bring an heavy expence on Government, and the *Gorgon* will, I presume, arrive very shortly, by which ship the officers and men of the *Sirius* will be sent home.

Vessels wanted.

I presume their lordships will judge it necessary to order a ship to replace the loss of the *Sirius*; and I beg leave to observe that two small vessels of from forty to fifty tons burthen, schooner-rigged, are much wanted in this colony; such vessels might make the voyage; if sent out in frames, the setting them up will be difficult, as we have only one good shipwright in this colony; those vessels should be coppered, and have a flush deck.

A return of the detachment of marines doing duty in this settlement is inclosed.

A. PHILLIP.

24 July, 1790.

Boating
accident.

I am this moment informed of the following accident:—A boat in its return from fishing, was pursued and overset by a whale, by which accident Mr. John Ferguson, midshipman, and two marines were drowned.

[Enclosure.]

RETURN of the Detachment of Marines at Port Jackson, New
So. Wales:—

1790.
17 July.

24th July, 1790.			Majr. Commandt.	Captains.	C. Lieutenants.	F. Lieutenants.	S. Lieutenants.	Adjutants.	Qr.-master.	Judge Advocate.	Serjeants.	Corporals.	Drummers.	Privates.
Present	Fit for duty	...	...	1	1	3	1	1	1	1	7	8	4	82
	Unfit for duty	...	...	1	...	...	...	...	...	...	...	...	...	6
Absent	On command	...	...	...	...	1	...	...	...	...	1	...	1	6
	With leave	...	...	...	...	...	...	...	...	...	...	...	...	...
	Wanting to complete	...	...	...	...	...	...	...	...	...	...	...	...	2
Total			...	2	1	4	1	1	1	1	8	8	5	96

Officers' Names.		Present.		Absent.	
		Fit for duty.	Unfit for do.	On command.	Without do.
Captain	James Campbell	1	...	...	...
Capt. Lieut.	James Meredith	...	1	...	...
Do	Watkin Tench	1	...	...	...
First Lieut.	Jno. Poulden	1	...	...	...
Do	James M. Shairp	1	...	...	...
Do	Thomas Davey	...	1	...	...
Do	Thomas Timins	1	...	...	...
Second Lieut.	William Dawes	1	...	...	...
Adjutant	John Long	1	...	...	...
Qr.-master	James Furzer	1	...	...	...
Judge Advocate	David Collins	1	...	...	...
		9	1	1	...

RETURN of the Detachment of Marines at Norfolk Island.

29th August, 1790.			Majr. Commandt.	Captains.	C. Lieutenants.	F. Lieutenants.	S. Lieutenants.	Adjutants.	Qr.-master.	Judge Advocate.	Serjeants.	Corporals.	Drummers.	Privates.
Present	Fit for duty	...	...	1	...	1	3	2	...	...	4	4	3	56
	Unfit for duty	...	...	...	...	1	...	...	...	...	...	...	...	4
Absent	On command	...	...	...	...	...	...	...	...	...	...	...	...	...
	With leave	...	...	...	...	...	...	...	...	...	...	...	...	...
	Without leave	...	...	...	...	...	...	...	...	...	...	...	...	...
Total			...	1	...	1	4	2	...	...	4	4	3	60

1790.
17 July.

RETURN of the Detachment of Marines at Norfolk Island—*contd.*

RETURN of the officers.

Officers' Names.		Present.		Absent.		
		Fit for duty.	Unfit.	On command.	With leave.	Without do.
Major Commandant	Robert Ross	1	...	...	...	...
Captn. Lieut.	George Johnstone	1	...	...	...	...
First Lieut.	John Creswell	1	...	...	...	...
Do	Robert Kellow .....	...	1	...	...	...
Do	John Johnstone	1	...	...	...	...
Do	Ralph Clarke	1	...	...	...	...
Second Lieut.	William Faddy	1	...	...	...	...
Do	Alexander J. Ross	1	...	...	...	...
Total		7	1	...	...	...

R. Ross, Major.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 5, per store-ship Justinian, *via* China; acknowledged by Under Secretary King, 10th January, 1792.)

24 July. Sir, Sydney, New South Wales, July 24th, 1790.

Mills. As the iron mills sent out for the purpose of grinding wheat are easily rendered useless, and destroyed, and will require great labor to grind corn for a considerable number of people, wind-mills will be wanted, and for the sending out of which I am to request that you, sir, will take the necessary steps, if it is approved of by Mr. Secretary Grenville, to whom I have written on the subject.

Miller required. As we have not any good millwright in the colony, I presume some convicts who have been brought up in that branch might be procured. A miller will be necessary, and as he will have a trust reposed in him he should not be a convict.

Supplies deficient. No butter, oil, or pease have been received for the use of the colony. At present there are not any spirits in the settlement, to continue which for three years a promise was made to the marines when they were embarked; nor will there be any for the officers of the Civil Department until sent out, if intended to be continued.

I am this moment informed of the following accident: a boat which had been down the harbour fishing, was, on its return, pursued by a whale, who overset the boat, by which accident a midshipman, Mr. John Ferguson, and two marines were drowned.

I have, &c.,
A. PHILLIP.

A return of the number of people in the colony is enclosed.

[Enclosure.]

TOTAL number of people victualled in New South Wales and its Dependencies, the 25th of July, 1790.

1790.
24 July.
Census.

	No. victuall'd at Sydney.	No. victuall'd at Rose Hill.	Total No. victuall'd.
Governor	1	...	1
Marine Detachment	116	9	125
Do Wives	26	1	27
Do Children	40	3	43
New South Wales Corps	87	16	103
Women of do	11	...	11
Children of do	12	...	12
Civil	9	2	11
Women	2	...	2
Superintendants	3	2	5
Children of do	1	...	1
Lt. Maxwell, invalided from his Majesty's ship Sirius	2	...	2
Lt. Edgar, superintendant, from the Lady Juliana transport			
Surgeon Mr. Alley, from do	1	...	1
Wives of convicts	6	...	6
Children of do	5	...	5
Convicts, Male	729	179	908
Do Female	316	42	358
Do Children	41	6	47
Belonging to the Sirius	44	...	44
Do Supply	1	...	1
Natives	2	...	2
AT NORFOLK ISLAND.			1,715
Lieut.-Governor .....	...	...	1
Marine Detachment .....	...	...	93
Do Wives .....	...	...	4
Do Children .....	...	...	1
Civil .....	...	...	1
Convicts, Male .....	...	...	191
Do Female .....	...	...	100
Do Children .....	...	...	36
Belonging to the Sirius .....	...	...	94
Free Men .....	...	...	3
			524
			1,715
Total No. victuall'd			2,239

JNO. PALMER, Commissary.

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

Sydney, 24th July, 1790.

SENSIBLE of the Expence to Government if these Ships were not discharged within the Time mentioned by the Board,* no Time has been lost; but the very sickly state in which they arrived, occasioned unavoidable delays.

[The above is an extract only referring to the transports Neptune, Scarborough, and Surprize, a complete copy of the letter having not yet been found.]

* Note 143.

1790.
29 July.

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

Sydney, 29th July, 1790.

[*A copy of this letter has not yet been found.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch, per transport Scarborough, *viâ* China, acknowledged by Under Secretary King, 10th January, 1792.)

6 Aug.

Sir,

Sydney, Aug. 6th, 1790.

Transport
shipping.

Having answered the public letter, by the Justinian, I have only to inform you that all the transports are now discharged from Government employ, except the Neptune, which ship will be discharged in four or five days.

The Lady Juliana arrived the 3rd of June, was discharged the 2nd of July, and sailed the 25th for China.

The Justinian arrived the 20th of June, and sailed the 28th of July with provisions for Norfolk Island, after landing of which the master has orders to proceed to Canton, according to the contract made by the Commissioners of his Majesty's Navy with the East India Company.

The Surprise arrived the 26th of June, and the convicts being landed, that ship received on board as much provisions as she could stow, with 37 male and 157 female convicts, and sailed for Norfolk Island the 1st of August. After landing the people and provisions the master is at liberty to proceed to China, according to the directions of the owners.

The Scarborough and Neptune arrived the 28th of June; the Scarborough was discharged from Government employ the 27th of July, and is now ready to sail for China.

Convicts
disembarked.

All the convicts brought out in the Surprise, Scarborough, and Neptune were landed within nine days after those ships arrived, and the convicts, sent to Norfolk Island in the Surprise, were put on board that ship the day before she sailed, and were victualled for the passage by the Commissary.

Mortality.

The number of sick have decreased considerably, the returns of this day being only 220. Deaths since the 27th of June, 89.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

Sydney, 6th August, 1790.

Transport
shipping.

THE Surprise arrived at this Port the 26th of June, and sailed the 1st of August, with Convicts and Provisions for Norfolk Island; from whence that Ship will proceed to China, according to the Directions of her Owners.

The Scarborough and Neptune came into this Harbour the 28th June, and anchored in the Cove, the 29th. All the Convicts were landed from the Surprize, Scarborough and Neptune, within Nine Days after their Arrival.

1790.
6 Aug.

The Scarborough being cleared of the Provisions and Stores, was discharged from Government Employ the 27th July, and is now ready to sail.

The Neptune will be cleared and discharged in a few days.

[*The above is an extract only, a complete copy of the letter having not yet been found.*]

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Duplicate, per Dutch snow Waaksamheyd; acknowledged by Secretary Stephens, 20th July, 1792.)

Sir, Sydney, New South Wales, 20th August, 1790. 20 Aug.

The letters I received from the right honourable the Lords Commissioners of the Admiralty, by the Lady Juliana, transport, were answered by the Justinian, which ship sailed from hence the 28th of July; by that ship I had likewise the honour of sending copies of my former letters relative to the loss of his Majesty's ship Sirius, and the state of this colony.

Despatches.

Their lordships were also informed that the officers and men who belonged to the Sirius, would return to England in the Gorgon, with the detachment of marines now on duty in this colony, as all the ships which have hitherto arrived, were chartered for China, and could not have been detained without bringing a very heavy expence on Government.

Crew of Sirius.

As ships coming in with the land do not readily discover the entrance of this harbour, a stone building will be erected in the course of a few weeks, very near the South Head, which will be sufficient mark for those who are not acquainted with the coast.

Landmark at
South Head.

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch, per transport Neptune, *viâ* China; acknowledged by Under Secretary King, 10th January, 1792.)

Sir, Sydney, New South Wales, 22nd August, 1790. 22 Aug.

My public letters were sent by the Justinian, of which I had the honor of informing you by the Scarborough.

The Lady Juliana arrived in this port the 3rd of June, and was discharged from Government employ the 2nd of July.

Transport
shipping.

1790.
22 Aug.

The Justinian arrived the 20th of June, and sailed the 28th of July, with provisions for Norfolk Island, after landing of which the master had the necessary instructions for proceeding to China.

The Surprise arrived the 26th of June, and sailed the 1st of August with convicts and provisions for Norfolk Island, from whence that ship will proceed to China, according to the direction of her owners.

The Scarborough and Neptune came into this harbour the 28th of June, and anchored in the Cove the 29th; all the convicts were landed from the Surprise, Scarborough, and Neptune, within nine days after their arrival. The Scarborough being cleared of the provisions and stores, was discharged from Government employ the 27th day of July; and the Neptune being likewise cleared, was discharged the 19th day of August.

Vessels wanted.

I have mentioned to the Navy Board the necessity of two small schooners, and of a barge that would draw but little water, for the purpose of sending provisions, &c., to Rose Hill, where the creek, when the tide is out, has not more than 18 inches water. And in former letters to your office and to the Board of Admiralty the advantages which would attend a ship laying here as a store-ship were pointed out. From that ship the small vessels may be manned, for convicts never can be trusted.

Escaped
convicts.

Several convicts have got away from this settlement on board of the transports, which it will be impossible to prevent unless the masters of those ships on board of which they may be secreted are prosecuted with severity, for convicts can remain in the woods many days before a ship sails; or they may be secreted on board in such a manner as to render any search ineffectual. — Gilbert, the master of the Charlotte, when he sailed in May, 1788, carried away a seaman belonging to the Supply, and a young man who was an apprentice to the boatswain of the Sirius. Nor do I imagine it would be difficult to prove that Gilbert himself proposed to both these people that they should desert; and I am confident that nothing but prosecuting the masters of such ships as carry away seamen or convicts from the settlement will prevent our losing the best men. The Navy Board have it in their power to know what men are received on board the transports after they leave England.

Landmark at
South Head.

As ships coming in with the land do not readily discover the entrance of this harbour, a stone building will be erected in the course of a few weeks very near the South Head, which will be a sufficient mark for those who are not acquainted with the coast.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

1790.
22 Aug.

(A private letter per transport Neptune.)

My Dear Nepean, Sydney, August 22, 1790.

The Neptune sails to-morrow, and I hope a few days will give us a sight of the Gorgon.

Your Brother is well and sends his love to you all, in which I join him. Tell your friends in Downing Street I am much obliged by their remembrance and polite letters, they should have been answered but my head and my side pleads hard to be excused. I wrote barely five lines to Lord Lansdown; when you see him, assure him that I am sensible of his politeness, and the friendship with which he honors me.

Health and pleasure attend you my worthy friend.

A. PHILLIP.

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

22nd August, 1790.

[A copy of this letter has not yet been found.]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch, per transport Neptune, *viâ* China; acknowledged by Under Secretary King, 10th January, 1792.)

Sydney, New South Wales,

Sir,

23rd August, 1790.

23 Aug.

Since my letter of yesterday was closed, several convicts being missing, a search was ordered to be made on board the Neptune, transport, Donald Trail, master, and one convict, Joseph Sutton, was found concealed in the hold, where, from the report made by John Bate, a quarter-master of the ship, preparation had been made when the people stowed the hold for concealing convicts. Now, sir, if the master of the Neptune is not prosecuted what I have observed in my former letters will certainly follow—every ship that stops here on her way to China will carry off some of the best convicts, which it will be impossible for any force in this country to prevent, as they may conceal themselves in the woods for a week or a month before the ship sails. Attempts to escape.

The convict found on board the Neptune says that he was carried off in one of the ship's boats. There is little doubt but that more convicts are concealed on board; but whether, as I have given my word to the master of the ship that he should be prosecuted, he will venture to carry them to sea, or whether he will land them, is uncertain.

The Neptune sails to-morrow.

I have, &c.,

A. PHILLIP.

1790.
13 Nov.

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.
(Despatch No. 7, per H. M. Ship Gorgon; acknowledged by Governor Phillip, 5th November, 1791.)

Sir,

Whitehall, 13th Novr., 1790.

Commission
to pardon.

I transmit you herewith by the King's command a commission which has been passed under the Great Seal, pursuant to an Act passed in the last session of Parliament, a printed copy of which is enclosed, authorising and empowering you, or in case of your death or absence, the Lieutenant-Governor for the time-being of the territory of New South Wales and the islands adjacent, to remit, either absolutely or conditionally, the whole or any part of the time or term for which any felons or other offenders shall have been, or may hereafter be, conveyed and transported to the said territory.

I am, &c.,

W. W. GRENVILLE.

[Enclosure.]

LETTERS PATENT EMPOWERING GOVERNOR PHILLIP TO REMIT SENTENCES.

[8 November, 1790.]

GEORGE THE THIRD by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth. To our trusty and well-beloved Arthur Phillip Esquire our Captain-General and Governor-in-Chief in and over our territory called New South Wales and to our Lieutenant-Governor of our said territory for the time being, greeting:

Whereas several orders have been made by us by and with the advice of our Privy Council in pursuance of authority given to us in that behalf by an Act of Parliament passed in the twenty-fourth year of our reign intituled An Act for the effectual transportation of felons and other offenders and to authorise the removal of prisoners in certain cases and for other purposes therein mentioned declaring and appointing by and with the advice aforesaid that the eastern coast of New South Wales and the islands thereunto adjacent should be the place or places beyond sea to which certain felons and other offenders should be conveyed and transported:

And whereas several felons and other offenders have in pursuance of the said Act been conveyed and transported to the eastern coast of New South Wales or the islands thereunto adjacent there to remain during the terms or times for which they were respectively sentenced to be transported by Courts in which they were severally convicted:

And whereas We by and with the advice of our Privy Council may hereafter declare and appoint the place or places aforesaid

to be the place or places to which other felons and offenders shall hereafter be conveyed and transported and such felons and offenders may be so transported accordingly:

1790.
13 Nov.
Commission
to pardon.

And whereas by an Act passed in the last session of Parliament intituled An Act to enable his Majesty to authorise his Governor or Lieutenant-Governor of such places beyond the seas to which felons or other offenders may be transported to remit the sentences of such offenders. It is enacted that it shall and may be lawful for us our heirs and successors at all times by our or their Commission under the Great Seal of Great Britain to authorise and empower the Governor or the Lieutenant-Governor for the time being of that part or parts to which felons and other offenders had been or should hereafter be transported and conveyed by an instrument in writing under the seal of the Government in which the place or places aforesaid should be situated to remit either absolutely or conditionally the whole or any part of the time or term for which any such felons or other offenders aforesaid had been or should hereafter be respectively conveyed and transported to such place or places as aforesaid such instrument or instruments as aforesaid having the like force and effect to all intents and purposes as if We our heirs and successors had in such cases respectively signified our or their royal intention of mercy under our or their sign manual:

And it is further enacted that such Governor or Lieutenant-Governor as aforesaid shall by the first opportunity transmit to one of our Principal Secretaries of State a duplicate under the seal of the Government of* oath and every instrument as aforesaid by which the time or term of transportation of any such felons or other offenders as aforesaid hath been remitted or shortened and that the names of such felons or other offenders respectively which shall be contained in such duplicates as aforesaid shall be inserted in the next general pardon which shall pass under the Great Seal of Great Britain after the receipt of such duplicate or duplicates by one of our Principal Secretaries of State:

And whereas it would greatly advance the design of such sentences so carried into execution as aforesaid or which may hereafter be passed and carried into execution by transporting felons and other offenders to the eastern coast of New South Wales or the islands hereunto adjacent that the Governor or (in case of his death or absence) the Lieutenant-Governor for the time being of our territory of the eastern coast of New South Wales and the islands thereunto adjacent should have power and authority to remit or shorten the time or term for which such felons and

1790.
13 Nov.
Commission
to pardon.

offenders are aforesaid have been or shall hereafter be transported in cases where it shall appear that such felons or other offenders are proper objects of the royal mercy:

Now know you that We being desirous to carry into effect the purposes of the said Act have thought fit to give and grant and do by these presents give and grant full power and authority to you Arthur Phillip our said Governor or to our Governor for the time being or (in case of your death or absence or that of our Governor for the time being) to our Lieutenant-Governor of our said territory of New South Wales and the islands adjacent for the time being by an instrument or instruments in writing under the seal of the Government of our said territory and as you or they respectively shall think fit or convenient for our service to remit either absolutely or conditionally the whole or any part of the time or term for which any such felons or other offenders aforesaid shall have been or shall hereafter be respectively conveyed and transported to the eastern coast of New South Wales or the islands thereunto adjacent.

And our will and pleasure is that all and every such instrument or instruments by you to be granted pursuant to the power and authority to you given by these presents shall have the like force and effect to all intents and purposes as if Wee our heirs and successors had in such cases respectively signified our or their Royal intention of mercy under our or their Sign Manual:

And our further will and pleasure is that you the said Arthur Phillip or our Governor or Lieutenant-Governor for the time being respectively shall by the first opportunity transmit to one of the Principal Secretaries of State of us our heirs and successors a duplicate under the seal of the Government aforesaid of each and every instrument as aforesaid by which the time or term of transportation of any such felons or other offenders as aforesaid hath been remitted or shortened to the end that the names of such felons and other offenders respectively which shall be contained in such duplicates as aforesaid may be inserted in the next general pardon which shall pass under the Great Seal of Great Britain after the receipt of such duplicate or duplicates by one of the Principal Secretaries of State aforesaid.

And these our Letters Patent or the enrollment or exemplification thereof shall be as well unto the said Arthur Phillip or our Governor or Lieutenant-Governor for the time being respectively as unto all and every other person or persons whomsoever a sufficient warrant and discharge from time to time for all and whatever they shall do and execute in pursuance of our royal will and pleasure.

And lastly our will and pleasure is and Wee do hereby declare that this our Commission shall be and remain in force only and until Wee shall be pleased to revoke and determine the same.

1790.
13 Nov.
Commission
to pardon.

In witness whereof Wee have caused these our letters to be made patent.

Witness ourselves at Westminster the eighth day of November in the thirty-first year of our reign.

By Writ of Privy Seal.

YORKE.

[Enclosure No. 2.]

[*This is a copy of the Statute 30 George III, Cap. XLVII.*]

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 8, per H. M. Ship Gorgon; acknowledged by Governor Phillip, 5th November, 1791.)

Sir,

Whitehall, 15th Novr., 1790.

15 Nov.

Enclosed I transmit you, by the King's command, an additional instruction, under his Majesty's signet and sign manual, for your guidance in the remission of the sentences passed on felons or other offenders, which shall appear to you to be proper objects of the Royal mercy.

Instructions
re pardons.

I am, &c.,

W. W. GRENVILLE.

[Enclosure.]

GOVERNOR'S POWER TO REMIT SENTENCES.

George R.

Additional instructions to our trusty and well-beloved Arthur Phillip, Esq., our Captain-General and Governor-in-Chief in and over our territory called New South Wales. Given at our Court at St. James's, the fifteenth day of November, 1790, in the thirty-first year of our reign.

WHEREAS we have issued a commission under our Great Seal of Great Britain, in pursuance of an Act passed in the last session of Parliament, intituled "An Act enabling his Majesty to authorize the Governor or Lieutenant-Governor of such places beyond the seas to which felons or other offenders may be transported to remit the sentences of such offenders," authorizing and empowering you our Governor or Lieutenant-Governor for the time being of the eastern coast of New South Wales and the islands thereunto adjacent, by an instrument in writing, under the seal of your Government to remit either, absolutely or conditionally, the whole or any part of the time or terms for which any felons or other offenders shall have been or may hereafter be carryed and transported to the said place or places within your Government, in cases where it shall appear that such felons or other offenders are proper objects of our mercy. It is our royal

1790.
15 Nov.
Instructions
re pardons.

will and pleasure that you do carry the said commisssion into immediate execution, and that you do by the first opportunity transmit to one of our Principal Secretaries of State a duplicate, under the seal of your Government, of each and every instrument by which the time or term of transportation of any such felons or other offenders, as aforesaid, hath been remitted or shortened, according to the directions and for the purposes mentioned in the said Act; and that it is our further will and pleasure, and we do hereby strictly enjoin you, that in all cases of such conditional remission of the time or term of transportation (unless where such conditional remission shall be granted to any person who shall have made discovery to you our Governør or Lieutenant-Governor for the time being, or to any person authorized by you or him, for receiving such discovery of any attempt or conspiracy, with a view of endangering the safety or disturbing the peace of your Government), you do insert in the instrument a special condition that such felon or offender shall not return within any part of our kingdom of Great Britain or Ireland during the term or time which shall thus remain unexpired of his or her original sentence or order of transportation on pain that the remission, so to him or her granted, shall in such cases be wholly null and void.

G.R.

THE RIGHT HON. W. W. GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 9, per transport *Albemarle*; acknowledged by Governor Phillip, 5th November, 1791.)

Sir,

Whitehall, 16th Novem^r, 1790.

16 Nov.
H.M.S. *Gorgon*.

In my letter to you, No. 6, which was forwarded to you by the *Neptune*, transport, I gave you reason to suppose that his Majesty's ship the *Gorgon* with the remainder of the New South Wales Corps would then shortly be dispatched, but from a variety of causes her departure has hitherto been delayed. She will now, however, I hope, proceed to sea in the course of a few days with Major Grose and a detachment of the said corps on board.

The second
fleet.

By letters which have lately been received from the Cape of Good Hope, I observe that the *Lady Juliana*, transport, with female convicts and some provisions and other supplies on board, left that place in the latter end of March, and that the *Neptune*, with the *Scarborough* and *Surprize*, transports, sailed from thence for Port Jackson. Those ships will convey information to you of the unfortunate fate of the *Guardian*, and by them and the *Gorgon* you will receive such parts of the stores and provisions taken out of the *Guardian* at the Cape as are supposed to be serviceable. Lieutenant Riou has, I find, sent on by the *Neptune*

the five superintendents and the twenty-one of the convicts mentioned on board the Guardian on her arrival at the Cape, and I hope they will have joined you by this time.

1790.
16 Nov.

The orderly behaviour of those convicts before the Guardian was disabled, and their good conduct after the accident happened to her, which Lieutenant Riou has strongly represented in his letters,* has induced his Majesty to consent that they shall be pardoned on condition of their continuing abroad, in such parts or places as may hereafter be directed by you, for the terms specified in their several sentences of transportation; and I am to signify to you his Majesty's pleasure that you are, under the authority given to you, to issue your warrant accordingly, omitting, however, in such pardon, the names of any of the said convicts as may from a subsequent misconduct have forfeited this mark of his Majesty's favour. As all the above-mentioned convicts have either been accustomed to agriculture, or have been brought up to some trade or profession, it is likely that they will be able to employ their time with advantage to themselves; and the better to enable them so to do, it is his Majesty's pleasure that those whose services are remitted shall be supplied from his Majesty's stores with such tools and implements as are suitable to their several professions, together with such proportions of provisions as you may deem necessary for persons in their situation.

Convicts on
Guardian.

The vessels now ordered to be taken up will be sufficient for the accommodation of at least 1,800 convicts, and will, I expect, be ready to sail with that number, and the remainder of the New South Wales Corps on board, in the course of the next month. They will have on board a suitable quantity of provisions, clothing, &c., for the use of the convicts after their landing, and also an assortment of stores equal to those intended to be conveyed to you by the Guardian, which have either been damaged or destroyed. The quantity and quality of each article is specified in the inclosed list.

The third
fleet.

I have already explained to you in my former letter his Majesty's intention with respect to the disposal of the marine corps on the arrival of Major Grose, to which it is only necessary for me to add that Lieutenant Dawes being represented to be an officer who may be usefully employed in the settlement in the capacity of engineer, it is his Majesty's pleasure, in case you should not have nominated him to the proposed company to be formed out of the marines and to be annexed to the New South Wales Corps, that he should be permitted to continue in the settlement, if he should be inclined so to do, and for his services

Lieutenant
Dawes.

* Note 144.

1790.
16 Nov.

in that capacity it is intended that he shall be placed on the same footing in point of emolument as officers of the corps of engineers of a similar rank.

Charles
Grimes.

The Lords of the Treasury have been pleased to appoint Mr. Chas. Grimes, who takes his passage in the *Gorgon*, to be Deputy-Surveyor of Roads, to be employed on Norfolk Island, or in any other part of your government where you may conceive his services to be most useful; and in consequence of your recommendation of Mr. Zach. Clarke, he has been appointed Deputy-Commissary of Stores and Provisions. Each of these officers will be placed on the civil establishment, with salaries of five shillings per diem.

Zachariah
Clarke.

I am, &c.,
W. W. GRENVILLE.

[Enclosure.]

[*A copy of the Return of Stores has not yet been found.*]

LORD GRENVILLE TO GOVERNOR PHILLIP.

? November, 1790.

[*This circular despatch, with its enclosure, a speech of His Majesty King George III, has not yet been found.*]

COMMISSIONERS OF THE NAVY TO GOVERNOR PHILLIP.

? November, 1790.

[*Copies of these letters carried by the transports of the Third Fleet have not yet been found.*]

1791.
15 Jan.

GOVERNOR PHILLIP TO THE TREASURY.

15 January, 1791.

[*A copy of this letter has not yet been found.*]

LORD GRENVILLE TO GOVERNOR PHILLIP.

(Despatch No. 10, per transport *Mary Ann*; acknowledged by Governor Phillip, 5th November, 1791.)

19 Feb.

Sir,

Whitehall, 19 Feby., 1791.

Despatches.

By Lieutenant King, who arrived here on the 20th of December, I received your several letters of the dates mentioned in the margin,* and have had the honor of laying them before the King.

I observe with great concern by these letters that, in consequence of the unfortunate disaster which happened to his Majesty's ship the *Guardian*, and of the delays which appear to have taken place in the voyage of the *Lady Juliana*, the state of the provisions at the settlements which you have established, rendered it necessary that you should make so considerable a

* June 5, 1789; February 1, 12, and 13; April 11, 1790.

reduction in the ration, and that you should send to Batavia for supplies. The expenses incurred under the latter head appear to have been necessary under the then existing circumstances, and the amount will be discharged whenever the proper vouchers shall be received. I trust, however, that the difficulties which occasioned this measure have long since been effectually removed by the arrival of the Lady Juliana and of the other supplies, which, according to the enclosed calculation (provided no accident should have happened) must have reached Port Jackson shortly after Mr. King's departure. As the system which is to be adopted in future of sending out the convicts in two embarkations in the course of each year will afford the means of keeping up a regular intercourse between this country and the settlements under your government, there is, I hope, no ground for apprehending inconvenience in future from any accidental failure of the supplies sent from hence; but even if that should be the case, it appears to me that there are now other resources on which a reliance may safely be placed.

1791.
19 Feb.

Systematic
transportation.

The measures taken by you have anticipated the wishes I expressed to you in my letter, No. 6,* with respect to the increase of the establishment at Norfolk Island. I understand from Mr. King that the fertility of the soil in that island is such that the last year's crop of wheat, Indian corn, potatoes, and other vegetables would, in his opinion, be nearly, if not entirely, sufficient to supply the colony with those articles, leaving ample provision for seed in the ensuing season; and there seems every reason to expect that, independently of what may be raised in New South Wales, the produce of Norfolk Island will afford in future a sufficient supply of these important articles for the use of both the settlements.

Norfolk Island.

I find by letters which have lately been received from Calcutta, dated in the months of August and September last, that intelligence had reached India of the distress of the Guardian, and of the disappointment you were likely to experience in receiving supplies from hence, and that Lord Cornwallis had acceded to the proposals made to him by some merchants, of sending certain articles from thence for your relief. Although you would, long before the arrival of these at Port Jackson, have received other supplies, yet I hope that the plan has been carried into full execution, and that you have purchased the cargo on the public account.

Supplies from
Calcutta.

On a comparative view of the prices specified in the enclosed letter from the person who proposed to engage in that speculation,

* Note 138.

1791.
19 Feb.

I find that most of the articles therein mentioned can be supplied from thence at prices considerably less than those at which they can be furnished from this country.

So long ago as the month of September I had suggested* to Lord Cornwallis the idea of supplying the settlement under your command, either wholly, or at least to a very great extent, from Calcutta. I am inclined to hope, from the circumstances which I have already stated, that any further supplies of provisions will be principally confined to salted provisions and sugar, after a sufficient quantity of live stock shall have been procured; and if any circumstance should render it expedient for you to make any further purchases of provisions, in addition to the quantities which will be sent out from hence with each embarkation of convicts, you will in such case have recourse to Calcutta, or some other of the Company's settlements in India; and you will give directions that the person sent by you for that purpose should make no purchases of any article the price of which shall not be certified by the commanding officer of His Majesty's forces then at such settlement, or by some person regularly authorised by him to sign such certificate, and the certificate is to be sent home with the other vouchers for the expence incurred.

Surveying
expedition.

In the execution of a plan which is now in contemplation for surveying the north-west coast of America and the Sandwich Islands,† there will be occasion to dispatch a transport to the latter with provisions in the course of the ensuing spring. This vessel, after her supplying the ships engaged in the survey, will join you at Port Jackson, and her commander will be instructed to carry with him, either from the Sandwich, the Society, or the Friendly Isles, as much live stock as that vessel can contain.

Ship for the
Colony.

From the information which I have collected from Mr. King, I am led to expect that in order to replace the Sirius, which you inform me has unfortunately been lost on Norfolk Island, you are likely to purchase the Snow,‡ which was to be dispatched to you with provisions from Batavia. If it should so happen, that vessel and the Supply, for which an assortment of stores will now be sent out by the Gorgon, will, I hope, be sufficient for the necessary purposes of your Government; but if Mr. King should have been mistaken in the conjectures he has formed on this point, you will consider yourself at full liberty to detain the vessel from the Sandwich Islands. and to employ her as you may think proper, either in procuring live stock, or for any other purpose that may be conducive to the prosperity of the settlement under your government.

Marines and
expirees
unwilling to
remain.

I am sorry to learn by your letter to Mr. Nepean§ that so few of the marines have shown an inclination to continue in the

* Note 145. † Note 127. ‡ Note 146. § Note 147.

country after they shall have finished their term of duty, and that a similar disposition appears amongst the convicts whose sentences have expired. The return of the last-mentioned description of persons to this country cannot legally be prevented, provided they can engage the masters or owners of any vessels arriving in New South Wales to transport them from thence. But as there is little reason to hope that any persons of that description will apply themselves here to habits or pursuits of honest industry, it will be extremely desirable that every reasonable indulgence should be held out to them with a view of inducing them to remain in New South Wales, and that it should be distinctly understood that no steps are likely to be taken by Government for facilitating their return.

1791.
19 Feb.

If, in the execution of this instruction, you should deem it necessary, in addition to the lands to be granted to them, and to the tools and implements of labour with which they will be furnished by you, to victual them for a limited time from the public stock till they can by their own labour provide for their subsistence, such a manner would not be objectionable. But it will, of course, occur to you how necessary it will be to limit the time for such assistance, both in order to prevent too great an addition to the public expence, and as an incitement to their own industry. Some distinction should also be made in this respect as to those convicts whose conduct during the term of their sentences may have entitled them to particular indulgence and favour.

Concessions
offered to
expirees.

I enclose herewith copies of his Majesty's several Orders-in-Council for the transportation of the different persons who have been sent to New South Wales, and also of those who are now under orders for embarkation. You will be enabled by these to ascertain the precise times of the expiration of their respective sentences. You will observe that by law the time which has elapsed since their original sentence or order of transportation, previous to their being sent abroad, but during which they have been in confinement either in gaol or on board the hulks, is to be reckoned as part of the term for which they were sentenced.

Transportation
orders.

The proceedings of Major Ross and Captain Campbell, according to your representation,* appear to have been in many instances but ill-calculated to promote that good understanding so essentially necessary for securing the prosperity of the colony. On all services, but particularly of this nature, it is of great importance that persons of all descriptions should accommodate themselves to the circumstances and situation, and that they should most carefully avoid any nice distinctions in point of duty which might tend to occasion embarrassment in the execution of the public service. His Majesty has always in view the

Conduct of
Ross and
Campbell.

* Note 148.

1791.
19 Feb.

Opinion of
Attorney and
Solicitor
General.

proceedings of his officers when placed in those situations, and will judge of their merits by the conduct they observe on such occasions.

I enclose to you herewith a report of his Majesty's Attorney and Solicitor General, from which it will appear that military officers serving in New South Wales are bound to perform the duties of members of the Criminal Court whenever they shall be duly summoned for that purpose. As it is necessary that this point should, as soon as possible, be fully understood, it will be proper that you should take an early opportunity of assembling such officers as may, on your receipt of this, be within your government, and that you should explain to them the opinion entertained upon this subject, in order that any difficulties of the nature which have heretofore taken place may in future be prevented.*

Command at
Norfolk Island.

The sending Major Ross to Norfolk Island, under all the existing circumstances, appears to have been a judicious measure, though it had the effect of depriving Mr. King of the authority with which he had been vested, and which he had exercised with so much advantage to the public service. It will, I am persuaded, be a satisfaction to you to know that he will immediately return to New South Wales, and that his exertions for the public service have not passed unnoticed.†

Return of
Marine corps.

I have already conveyed to you his Majesty's pleasure with respect to the return of Major Ross and the officers and men of the marine corps under his command, to which it is necessary for me to add, that it has been judged expedient that the detachment of the New South Wales Corps, originally intended to accompany Major Grose in the Gorgon, should assist in guarding the convicts mentioned in my letter to you, No. 9, which have since been increased by clearing the gaols in Ireland to about 2,050, all of whom will, I expect, be embarked on board the several transports mentioned in the enclosed list, and will proceed on their voyage in the course of the present month. It will therefore be proper that you should detain the Gorgon until the arrival of the principal part of those ships, and until the arrival either of Lieut.-Governor King (who will take his passage in the Gorgon, if he can get ready in time, or in one of the convict-ships) or of Major Grose, as without the assistance of the force which those ships contain, the colony may be exposed to risque.

Supplies
forwarded.

I enclose herewith an account of the provisions, clothing, hospital stores, medicines, implements, &c., put on board the transports above-mentioned, by which you will also receive such parts of the Guardian's cargo as may be found serviceable, which the Gorgon may not be able to take on board.

* Note 149. † Note 150.

The number of troops of which the present establishment of the New South Wales Corps consists appearing to be insufficient for all the necessary purposes, it has been determined that two additional companies should forthwith be raised. Those companies will, I expect, be completed, and be in a certain state of discipline in the course of the month of April next, by which time the Spring Assizes will have closed, and such convicts as shall then be sentenced for transportation will be sent away. The number, including those who will be left behind on the departure of the ships now under dispatch, who have more than three years to serve, as it is supposed, will amount to about 450, and will be accompanied by Major Grose and the two companies above-mentioned.

1791.
19 Feb.
N.S.W. Corps.

I am, &c.,
GRENVILLE.

[Enclosure No. 1.]

NEW South Wales—State of the Provisions on a calculation made 27th Decemr., 1790:—

The
Commissariat.

THE Lady Juliana left the Cape of Good Hope on the 30 of March, and allowing her a passage of three months (though it will probably not exceed ten weeks) she may be expected at Port Jackson by the 30 June, when the Stock of Provisions there according to Governor Phillip's return of the 12 of April last allowing to each Man and Woman

Beef or Pork	2 pounds
Rice	2 pounds
or Pease	2 pints
Flour	2½ pounds

for seven days, would supply the Settlement with Beef or Pork for 57.

Rice or Pease for	75 and
Flour or Biscuit for	172 days.

The Lady Juliana carried with her from England

Beef and Pork	46,800 pounds
Flour	67,200

Received from Lieut. Riou of the Guardian's Cargo at the Cape	}	25,200	92,400 pounds

The number of Rations drawn at Port Jackson on the 12th April last appears to have been..... 584

The female Convicts landed from the Lady Juliana may be stated at 225 at 2/3rds of a Ration to each, is 150

And 10 Children of Convicts, at ½ of a Ration to each, is... 5

739

1791.
19 Feb.
—
The
Commissariat.

The Provisions on the 1st of July supposing no other Ship to arrive, on a fair calculation will stand as follows at full Allowance, viz.

Remains of the original Supply	} Beef & Pork	23	} To the 20th Octob.	
Lady Juliana's Cargo		Do		89
		days		<u>112</u>
Remains of the Original Supply	} Rice or Pease	69		} To the 7th Sept.
Remains of the Original Supply		} Bread & Flour	57	
Lady Juliana's Cargo			Do	
			<u>182</u>	

In case the Lady Juliana should reach Port Jackson before Governor Phillip receives notice of any further Supplies being on their way to him, he certainly will not increase the Ration of Beef and Pork to more than two thirds of the full Ration, which with Seven pounds of Bread and Seven pounds of Fish per week is a sufficient allowance for each person.

With this Ration the Settlement at Port Jackson may be looked upon as provided with Beef or Pork to the 15th Decr.; And with the Surplus of Beef, Pork and Flour laid in by the Contractor for the supply of the Females put on board the Lady Juliana will in all probability have to dispose of the Wheat, Indian Corn, Beans and Potatoes at the Settlement, not wanted for Seed, there will without doubt be an adequate Supply for the several persons who compose it for the present Year.

The Settlement at Norfolk Island was left in a far better situation than that at Port Jackson 453 Rations were then daily drawn, to provide for which a supply had been sent by Governor Phillip in the Sirius, equal to that which remained with him. There were also in the Stores at Norfolk Island near 200 Bushells of Wheat and Indian Corn, produced on that Island, which might without inconvenience be appropriated to the supply of the Settlers, together with a large quantity of Potatoes, Beans etc., and about Eight Months Provisions for 160 Men saved from the Wreck of the Sirius. Upon the whole it appears that no difficulty would be found in supplying that Settlement during the present Year with Flour and Grain for some time longer; and Fish was always to be caught in moderate weather.

The Justinian left Madeira on the 2d. of February last, and did not intend to stop at any other place on her way to Port Jackson, she is Coppered and a very fast Sailer, and, if no

accident befel her on the passage, she probably arrived there in the Month of May. She had on Board

Beef and Pork	76,144 pounds
Flour	470,400 pounds

1791.
19 Feb.
The
Commissariat.

The quantity of Beef and Pork is equal to the Supply of the two Settlements with 1192 Rations at full allowance for 90 days, and with Flour for 394 days.

The Neptune Surprize and Scarborough Transports left the Cape of Good Hope on the 29th of April having on board the undermentioned Convicts.

Males (including 20 who had been embarked on board the Guardian).....	920
Females	70
Children	10
	<hr/> 1,000

and such parts of the Provisions provided for the consumption of 1000 persons for one Year, as the Justinian could not contain. The three first mentioned Transports in all probability arrived at Port Jackson on or before the 31st of July last, and the Convicts put on shore from those Ships may be considered as completely victualled from that supply until the 1st August next.

Supposing the remainder of the two establishments to have been supplied by the Lady Juliana for the present Year,

	Beef and Pork.	Flour.
Beef and Pork sent from the Cape in the Neptune Transport by Lieut. Riou Vitz. 198,000 pounds will after furnishing 1192 Rations per diem to the 1st of August next leave a surplus of	17,498	
The Flour carried out in the Justinian, part of the supply intended to have been sent out in the Guardian and Lady Juliana vizt. 337,680 pounds will, after furnishing 1192 Rations per diem, to the 1st of August next leave a surplus of		84,976
Supply sent from Batavia in the month of August last	154,960	216,944
Remains of the Guardian's Cargo at the Cape of Good Hope, intended to be forwarded by the Gorgon and other Ships now under dispatch	225,480	67,200
	<hr/> 397,938	<hr/> 369,120
Deduct 130 Rations for the Detachment of the New So. Wales Corps sent out in the Neptune, Scarborough and Surprise for which no Provision had been made	33,893	47,450
	<hr/> Pounds 364,045	<hr/> 321,670

1791.
19 Feb.

The
Commissariat.

In addition to the Provisions already mentioned the Justinian had on board for the use of the Sirius

Spirits, 30 Hogsheads, 30 Barrels; Vinegar, 30 Half Hogsheads; Sugar, 15 Half Hogsheads.

364,045 pounds of Beef or Pork will furnish	} to the 9 Mar: 1792
2299 Rations for 222 days	
321,670 pounds of Flour will furnish 2299	} to the 18 Decr. 1791
Rations for 140 days	

[Enclosure No. 2.]

MESSRS. LAMBERT, ROSS, AND BIDDULPH TO LORD SYDNEY.

My Lord, Calcutta, 19th August, 1790.

Supplies from
Calcutta.

Having obtained the assent of the Right Honorable the Governor-General-in-Council to our proposal to dispatch a vessel with provisions to Port Jackson, and being honored with his Lordship's promise of recommending our plan for a permanent supply to the consideration of his Majesty's Ministers, we beg leave to lay before your Lordship the rates at which we will engage to deliver the different articles of supply, which are calculated at an advance of twenty per cent. on the average English prices. Should the terms as annexed meet your Lordship's approbation, we will give such security for the performance of our engagements as may be satisfactory to the Government here.

In such an event we beg to receive orders for specific quantities of each species of provisions, and request that your Lordship will order the same to be received on account of Government at Port Jackson, and that bills may be granted to us by the Governor at the usual rates of ninety days after sight.

As the voyage from hence may be supposed not to exceed six weeks, or two months, and the provisions in consequence to arrive in a high state of preservation, it would be superfluous to point out the advantage of this mode of supply, in which Government run no risk, paying only for what is delivered at Port Jackson in good and merchantable order, we holding ourselves answerable for all loss or wastage in consequence of the voyage. It may be also hoped that from this opening a communication between the capital of the British settlements in the eastern world and this rising establishment many important commercial advantages will ensue, which will greatly facilitate the prosperity of the new colony by a ready intercourse with this extensive and opulent country.

We have, &c., LAMBERT AND ROSS.
ROBT. BIDDULPH.

[Sub-enclosure.]

Flour .. at 19/- per 112 lb.	|	Sugar ... at 37/- per 112 lb.
Wheat ... ,, 13/- ,,		Rum ... ,, 3/- per gallon
Rice ... ,, 18/- ,,		Paddy ... ,, 10/- per 112 lb.
Pease ... ,, 10/- ,,		Vinegar.. ,, 1/- per gallon.

[Enclosure No. 3.]

COMPARATIVE view of the Prices charged for the undermentioned Articles of Provisions sent by Messrs. Lambert and Ross, of Calcutta, to New South Wales, with those which would be charged for articles of a similar nature to be sent from England.

		Cost at Port Jackson, if supplied by Messrs. Lambert and Ross.	If supplied from England.				Difference in favour of Bengal.
			First Cost in England.	Tonnage required for its stowage.	Freight according to the present price of transports.	Total.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Flour ...	320,000 lb., or 2,857 cwt....	2,714 5 8 or 19/0	2,428 9 0 or 17/0	190	1,368 0 0	3,796 9 0 or 26/7	7/7
Wheat...	2,759 bushels	928 11 5 or 6/8½	724 4 9 or 5/3	78	561 12 0	1,285 16 9 or 9/3¼	2/7½
Rice ...	320,000 lb., or 2,857 cwt....	2,571 8 6 or 18/0	2,428 9 0 or 17/0	190	1,368 0 0	3,796 9 0 or 26/7	8/7
Pease ...	1,379 bushels	428 11 5 or 6/2	327 10 3 or 4/9	39	280 16 0	608 6 3 or 8/9¼	2/7½
Sugar ...	718 cwt.	1,321 8 6 or 37/0	1,795 0 0 or 50/0	54	388 16 0	2,183 16 0 or 60/10	23/10
Rum....	10,000 gallons	1,500 0 0 or 3/0	1,250 0 0 or 2/6	40	288 0 0	1,538 0 0 or 3/0¼	-/0¼
Vinegar	1,000 gallons	50 0 0 or 1/0	50 0 0 or 1/0	4	28 16 0	78 16 0 or 1/0¼	-/6¼
		£ 9,514 5 6	9,003 13 0	595	4,284 0 0	13,287 13 0	

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19 Feb.
Supplies from
Calcutta.

1791.
19 Feb.

[Enclosure No. 4.]

[Copies of the Orders in Council for Transportation have not yet been found.]

[Enclosure No. 5.]

THE ATTORNEY-GENERAL AND SOLICITOR-GENERAL TO LORD
GRENVILLE.

My Lord,

Lincoln's Inn, 15th Feb'y, 1791.

Council's
opinion on
Letters Patent
for Criminal
Court.

In pursuance of your Lordship's letter of the 15th of this instant (February), inclosing despatches from Governor Phillip, dated Sydney Cove, the 5th June, 1789, desiring that we will take the same into consideration, and report to you for his Majesty's information our opinion whether any six officers of his Majesty's forces by sea or land, being summoned by precept under the hand and seal of the Governor or (in case of his absence or death) Lieut.-Gov'r of New South Wales to convene as members of the Criminal Court of Judicature those ordained and appointed by his Majesty's Royal Letters Patent, they, or any of them, may lawfully refuse to obey such precepts,—

We have taken the same into our consideration, and we humbly certify that his Majesty by his Royal Letters Patent has, in pursuance of an Act of Parliament passed in the twenty-seventh year of his reign, intituled "An Act to enable his Majesty to establish a Court of Criminal Jurisdiction on the Eastern Coast of New South Wales and the parts adjacent," willed, ordained, and appointed that the Court of Criminal Jurisdiction (thereby established) should consist of the Judge-Advocate for the time being, together with six officers of his Majesty's sea and land service as the Governor, &c., should, by precept issued under his hand and seal, convene from time to time for that purpose. And we are of opinion that, although from the necessity of the case, military officers alone (excepting the Judge-Advocate) are to exercise the functions both of jurymen and judges, yet that they are not acting in a military capacity, or to be called to that service by military orders, but are performing a duty purely civil as military persons in many other cases do in assistance of the civil magistracy. And we also think that a military officer serving in New South Wales is bound to perform the duty of a member of the Criminal Court when duly summoned for that purpose by precept under the hand and seal of the Governor, &c.; and will be guilty of a misdemeanour by refusing to perform a duty imposed upon him by the King's authority derived from an Act of Parliament passed for the purpose of giving that authority. We should, however, conceive that persons of the liberal principles which belong to the character of military officers, and

who must know that the whole criminal justice of the settlement will stand still if they should refuse to serve in the Criminal Court, would be too much influenced by a sense of the service which they can render to their country by performing this civil function, in addition to their military duty, to render it necessary to remind them of the nature of their duty in this instance, as pointed out by charter and by Act of Parliament.

All which is submitted to your Lordship's consideration.

A. MACDONALD.

JOHN SCOTT.

[Enclosure No. 6.]

LIST of transport vessels provided by Messrs. Camden, Calvert, and King, agreeably to a contract made by them with the Commissioners of the Navy for the conveyance of convicts to New South Wales, 1st February, 1791.

Vessels' Names.	No. Convicts to each.		
	Males.	Females.	Total.
Queen (Ireland)	175	25	200
Atlantic	220	...	220
William and Ann	188	...	188
Britannia	152	...	152
Matilda	230	...	230
Salamander.....	160	...	160
Albemarle	275	...	275
Mary Ann .....	...	150	150
Barrington	300	...	300
Active	175	...	175
	1,875	175	2,050

[Enclosure No. 7.]

[A copy of the Return of Stores carried in the vessels of the Third Fleet has not yet been found.]

LORD GRENVILLE TO GOVERNOR PHILLIP.

(Despatch marked "Separate," per transport Albemarle; acknowledged by Governor Phillip, 5th November, 1791.)

Sir,

Whitehall, 19th Feby., 1791.

Lord Sydney has transmitted to me a private letter* which his Lordship has received from you by Lieutenant King, wherein you have expressed a desire to be permitted to return to England. I am much concerned that this situation of your private affairs should have been such as to render this application necessary at a time when your services in New South Wales are so extremely important to the public.

I cannot, therefore, refrain from expressing my earnest hope that you may have it in your power so to arrange your private

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concerns that you may be able, without material inconvenience, to continue in your Government for a short time longer.

From the zeal which you have at all times manifested for the public service, I am inclined to believe that you will readily accede to this proposal, and I shall therefore only add, that as soon as your presence in the Colony can be dispensed with, you may be assured that everything on my part will be done to contribute to your accommodation.

I am, &c.,

GRENVILLE.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 1, per Dutch snow *Waaksamheid*; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

1 March.

Sir, Sydney, New South Wales, 1st of March, 1791.

Despatches.

I had the honour of answering the letters I received by the *Lady Juliana*, *Neptune*, and *Scarborough*. My last letters were dated in June and July, 1790, and duplicates are sent by this conveyance.

Supplies.

The *Supply*, armed tender, returned to this port from *Batavia* the 18th of October, but brought only eight months' provisions for her own people; what had been purchased for the colony did not arrive until the 17th of December.

The crew of
the *Sirius*.

The necessary repairs which the *Supply* required were of such a nature that she was not ready for sea before the beginning of January; she sailed the 21st, with provisions and stores for *Norfolk Island*, and carried orders for Captain Hunter, with the officers and seamen who had remained there after the loss of the *Sirius*, to return to this settlement. They arrived here the 26th of last month.

Shipping.

The vessel that brought the provisions from *Batavia** being discharged, was ready to sail for *New Guinea*, as directed by her owners; but the master having offered to sell the vessel, or to let her to hire, she was hired the beginning of February, will carry the officers and men late of the *Sirius* to England, and is now preparing for the voyage.

Commissariat.

This vessel was hired as there was reason to suppose some accident had happened to the *Gorgon*, from the time which had passed since her arrival might have been expected; and if unfortunately that ship was lost, no opportunity might for some time offer to give the necessary information as to the supplies which this colony will want. The provisions in this settlement will last until the latter end of November next. At *Norfolk Island* the pork will last until the end of November, and the flour and rice until the middle of September.

* Note 153.

A considerable part of the stores belonging to the Sirius, with most of the provisions, and all the guns, except two carronades, were landed on Norfolk Island, and nearly everything which could be saved was got on shore before Captain Hunter came away.

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1 March.

Salvage from
Sirius.

It appears from the Lieutenant-Governor's letters, copies of which are enclosed, that at the island, as well as at this settlement, the loss of the Guardian has been felt; and from the Deputy-Commissary's account it appears that from the 15th of May until the beginning of August, when the ships sent from hence arrived there with provisions, the weekly ration had been reduced to 3 lb. of flour and 1½ lb. of beef, or 17 oz. of pork; and that for some time no beef or pork had been issued from the store, the immense quantity of birds (puffins) which resort to that island in April and continue there until the end of July or the beginning of August having supplied them with animal food. These birds burrow in the ground about Mount Pitt, where they deposit their eggs, and are in such numbers that three and four thousand birds have been sometimes killed in one night.

Reports from
Norfolk Island.

As I have, sir, inclosed the Lieutenant-Governor's letters, and it is said in one of them "that great discontents have prevailed amongst the marines under his command on hearing that spirits, shoes, and blankets had been issued to the marines in this settlement, and none sent to Norfolk Island," it may appear that less attention has been paid to that settlement than to the one in which I reside, which is not the case; for if ever there has been a want which could not be removed it has ever been my wish that it might be where I was myself. I will therefore beg leave, to detain you, sir, for a few minutes to explain why spirits, &c., were issued at this settlement, and a proportion not immediately sent to Norfolk Island.

Discontent of
the marines.

When the Lieutenant-Governor left this settlement, a full proportion of provisions, implements of husbandry, and clothing were put on board the Sirius and Supply; what was lost in the Sirius was not very considerable; and in June, when the ships from England arrived here, as I judged provisions would be the most wanted, two ships sailed with all possible expedition for Norfolk Island, and carried as much provisions as they could store. The Supply followed, and carried provisions, implements of husbandry, and some clothing. By that vessel the Lieutenant-Governor was desired to inform me what articles were most wanted, with which he was told the Supply would return.

The spirits brought out for the use of the civil and military had been all expended, and the three years' spirits promised to the marines had not been completed.

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1 March.

Discontent of
the marines.

The Justinian brought spirits for the Sirius's ship's company; and as that ship had been occasionally supplied with spirits from what had been brought out for the marines, I ordered what was now sent out for the seamen to be put into the store, there to remain until the marines and the seamen were to embark for England; for I thought it better for men to drink water on shore than at sea; and it was not probable that the ship which was to carry them home would, on leaving this country, have spirits on board to serve such a number of people to the Cape of Good Hope. These reasons were made public; but in a short time the marines in this settlement made an application through their commanding officer that they might have their share served them, to which I consented. Three months' spirits were ordered to be issued to the civil and military in this settlement; three months to be reserved for the civil and military at Norfolk Island; and three months for the officers and seamen who had remained there after the loss of the Sirius. The same proportion was given to the Supply. I did not send more spirits by that vessel when she sailed for Norfolk Island than what I thought might be necessary, for the use of the surgeon, and to serve on any particular occasion; for that vessel was loaded with what I deemed more necessary, and the detachment's return to the settlement would take place immediately after the first ship arrived.

The marines had been at times greatly distressed for necessities, and particularly for shoes, being occasionally employed on services which destroyed more than the men could afford to pay for, and shoes had been frequently given to those who were the most distressed. Since the arrival of the ships in June, application was made by the senior officer of marines for a supply of blankets and shoes, for which the Commissary has taken receipts, in order to their paying for what they have received; and I certainly could not have intended to exclude those on duty at Norfolk Island from the same advantage, if necessary. Many of the inferior officers in this colony have had shoes and other articles which were sent out for the convicts, or they must have otherwise been greatly distressed.

Norfolk Island
prospects.

Captain Hunter, from the time he remained on the island, will be able to give you, sir, some information respecting the landing there, which is made better by the seamen having removed some loose rocks which lay in the passage through the reef. That officer is of the general opinion that when a landing-place is made at Cascade Bay (on the north side of the island) boats will always find a tolerably good landing at one or other of the landing-places, except the weather is very bad.

Lieutenant Bradley surveyed the island, and will have the honor of delivering you a copy of the survey. It may now be judged what number of people the island will be able to support.

The Lieutenant-Governor's plan for rendering the convicts independent of the store is enclosed. I fear, from the information I have received from those who have been on the island from the time it was first settled, and from what I hear from the officer of the Sirius, that the time to be allowed the convicts will not be sufficient to answer the end proposed; but I have approved of the plan, if it can be carried into execution, and have recommended the Lieutenant-Governor giving more time to those who are willing to accept the proposals he had made them, if he finds it necessary. It is certain, from the information of every one who has been any time on the island, that all vegetable productions are in the greatest abundance, and that the labour of clearing the land is not so great by far as what we find it in this settlement; and nothing prevents the removal of all the convicts to that place but the difficulty of landing provisions. This I had the honour of pointing out in my former letters. The island is small, and it may be supposed that there are nearly as many people in this country as Norfolk Island would maintain if the numbers were not to increase.

Of those who had been some time on the island, and who had cleared land with a view of remaining as settlers, but who are now come to Port Jackson, two marines belonging to the Sirius, who went to the island when it was first settled, are to return; and as I am sensible it would be impossible for them to maintain themselves after the expiration of twelve months, as the present season for sowing grain will be passed before they can get any ground cleared and prepared to receive it, I have found it necessary, in order to retain some useful men in the colony, to deviate from the instructions I have received on that head, which I hope will be approved of. What I granted to the two marines I have thought necessary to grant to eight seamen, late belonging to the Sirius, as they will be useful men when ships are landing provisions and stores.

Each person is to have sixty acres of land; half an acre is to be cleared, and huts built for them. They are to be maintained eighteen months from the public store, and some cloathing is to be given them, with the necessary quantity of grain for seed, tools, and implements of husbandry, with such a proportion of poultry and hogs as the settlement can afford.

You will, sir, be pleased to determine the quantity of land to be granted on Norfolk Island to future settlers. From the richness of the soil, and the island's being so very small, I presume

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Norfolk Island
prospects.

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prospects.

the quantity of ground as determined in the instructions to be given to the marines and convicts who may become settlers will be thought too great.

I suppose, from the information of others, that the island may contain from eight to nine thousand acres of ground that can be cultivated.

Two seamen who are desirous of becoming settlers at this place will likewise be supported from the public store for eighteen months; and from their having been very industrious while on Norfolk Island, I hope they will be able to support themselves at the expiration of that time.

I shall not deviate from the additional instructions relative to settlers* in future, unless it should be particularly pointed out as necessary by the Lieutenant-Governor for those marines now at Norfolk Island who wish to settle there; and when the relief takes place it is probable that it may at a season so far favorable to them that a year's support from the public store may be fully sufficient. The necessary instructions relative to such of the marines as might wish to become settlers were sent to the Lieutenant-Governor, and by his returns it appears that seven men belonging to the detachment now on duty on the island wish to remain there.

The crops of corn at Norfolk Island have this year been nearly destroyed by the caterpillar and grub; but I am told that is not the case when the grain is put into the ground at an earlier season, and which the Lieutenant-Governor informs me will be attended to in future.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR ROSS TO GOVERNOR PHILLIP.

Government House, Norfolk, 11 February, 1791.

Reports from
Norfolk Island.

YOUR Excellency will not be a little surprised when I acquaint you that, notwithstanding every exertion that could have been possibly made here to promote the welfare of the crops of grain, the pernicious insects with which this island has been infested in the months of October, November, December, and January have put it out of my power to send you so favourable a report of the harvest as I could wish, or as might have been expected from so grateful a soil.

All sorts of grain and all vegetable seeds came up extremely well, and flourished in the highest luxuriance in the month of September, after which time they were attacked by the grub and caterpillar. The latter were so multitudinous in the months of October, November, and December, that I had greatly feared there would not have been any wheat, barley, or a cob of maize

escape being devoured. Altho' the people were daily employed in picking them from off the maize, yet, however, incredible it may appear, we could not perceive any visible decrease, for they still appeared as numerous as ever. The blight also has been very destructive, nor has the fly been less destructive than either of the former, all of which destroy as effectually as fire. Of the crops of wheat there has been better than two acres destroyed by the blight and twenty-one acres by the caterpillar; barley, two acres destroyed by the blight and caterpillar; and maize, thirty-three acres entirely destroyed by the grub and caterpillar; callivances, French beans, and all other vegetable productions having been attacked by the fly and caterpillar, and so perforated that our first crop were chiefly destroyed. However, as the fly and caterpillar have ceased visiting us, we may expect that this crop will be a good one; I have thirteen acres cropt with callivances and ten acres with potatoes, which will be all out of the ground before it will be wanted for the reception of corn. Potatoes produce well. From ten acres which I had ordered to be planted in the months of June and July I have had in the months of November and December eighteen hundred bushels, two hundred bushels of which, being the refuse, were given to the stock of swine. And as potatoes are an excellent succedaneum for flour, they have been issued to all ranks weekly as part of the ration of flour, by which means a considerable quantity of flour has been saved in store, an account of which from the deputy-commissary will be herewith enclosed. As I have been so fortunate as to find some excellent clay here, which answers the purpose of making bricks, I have therefore employed twelve of the convicts on that necessary business, most of whom were employed on the above work at Port Jackson. The settlement for some months past has been so much distressed for the want of falling axes, steel, iron, and grindstones, that the public works have been greatly retarded. In justice to the detachment under my command, I have to request that your Excellency will please to take into consideration their real distress. With respect to necessaries, not one of them have a shoe to their feet, nor scarce a shirt to their backs; their situation at this juncture is truly deplorable, both men and women having lost almost everything by the wreck of the Sirius. And as it has been reported to the troops here by some of their comrades at Port Jackson that your Excellency have been pleased to order a pair of shoes and a blanket to be issued to each of them, they have to request that your Excellency will think them no less deserving of favour; and I can assure your Excellency that no troops, perhaps, ever stood so much in need or felt the want of covering; there is not a bed

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or blanket among them that is fit to preserve the powers which sustain life from being congealed by any degree of cold which they may hereafter be obliged to encounter. I must here beg leave to assure your Excellency that, had there been a sufficient quantity of shoes sent here for the convicts as would admit the issuing of a pair per man to the troops, I would certainly have taken it upon myself to do it; and if shoes, shirts, and other necessaries could have been purchased for them, I should not have given your Excellency the trouble of this application, for I should have ordered them to have been purchased and have drawn on the Admiralty for the amount. I have therefore to request that by the return of the Supply your Excellency will please to direct such things to be supplied the troops serving here as can be spared from the public stores at Sydney, and which, from their present deplorable situation, I hope your Excellency will think renders it essentially necessary to be done. And as the two companies here under my command have been also informed that since the return of the Supply from Batavia the other two companies under the command of Captain Campbell, together with the new troops serving in New South Wales, have been served with spirits, and that they still expect to have it while it lasts, they conceive that the small proportion sent to Norfolk can by no means be adequate to their share for such a length of time as the troops at Sydney have been supplied, notwithstanding there has not been a drop of spirits issued at Norfolk since the 29th of last May. I have therefore to hope that your Excellency, having been made acquainted with the circumstances of their case, will please to order an equal proportion for them, to be sent at such time as may appear to you convenient; for, indeed, their distress at present has occasioned more discontent and murmuring among them than ever were observed in their greatest apprehensions of famine. They say they know not how they have been less deserving of favour, or why they should not share in every necessary of life with their comrades at Port Jackson, and that the duties they have had to perform were no less severe than theirs, which is all very true and just; and upon my word I cannot see any impropriety in their claim to an equal share of the necessaries of life with their comrades, as well as an equal share of service. The troops are also in great want of cooking utensils; there are but a few small pots among them all, which had been saved from the wreck of the *Sirius*, which are by no means sufficient for such a number, as there is not a pot to every twelve men, which must make it very inconvenient for them to wait for one another in the use of the pots. It is nearly night before some of them can have cooked their dinners.

Therefore I hope you will see the necessity of sending such utensils as can be spared from the stores at Sydney.

Agreeable to your Excellency's orders with respect to having a proper number of spars in readiness to be put on board his Majesty's ship Gorgon on her arrival here, I have to acquaint you that Captn. Hunter, being the best judge of what spars were necessary to be sent, has taken care to give his carpenters the proper directions on that head, and they are now in readiness laying on the beach, in order to be put on board such vessel as may be sent for them; and, of course, he will give such information as you may think necessary on that head.

Prior to the arrival of Moses Tucker, the carpenters of the Sirius built us a very good coble, under the inspection of Captain Hunter; since then Tucker has built two very good cobs, altho' one of them is not yet quite finished; but I hope it will be prior to his embarkation on board the Supply, according to your Excellency's directions. And here I beg leave to assure your Excellency that since his arrival here Tucker's behaviour has been such as to merit some mitigation in the punishment which he has deserved by behaving in the manner that he had done, for which I beg leave to refer you to Captain Hunter on that head.

The superintendant which your Excellency has sent here as being acquainted with the management of the flax I have kept constantly employed on that manufacture, with such a number of the male and female convicts as he thought necessary, and every other assistance which could possibly be procured or made in the settlement. He has so far succeeded as to have wove two pieces of it into a coarse cloth, which shall be sent your Excellency as samples; and as I do not understand myself anything of that manufacture, I shall refer you to his opinion on that head.

Since writing the above, I understand that Mr. Hume has taken the liberty of giving a piece of the cloth away, which probably will make its appearance at Port Jackson; but had I known his intentions, I would have prevented any such thing to have been done, as I did not wish that any samples should have been committed to the hands of any person until it had been sent for your Excellency's inspection.

I have collected some of the flax seed, which is in excellent preservation, and have put it up in an eighteen-gallon keg, addressed to your Excellency, and some of which had been scattered about the yard here promiscuously has immediately grown up. I have some time ago transplanted several of the roots, which I had taken from the seaside, into the interior parts of the country, and I find they thrive as well as in their natural soil and situation.

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I have likewise to acquaint your Excellency that since my arrival on the island there has been one hundred and fifteen acres of land properly cleared, exclusive of what is in the possession of the convicts, in addition to what I had found clear here on my arrival. And as I have every reason to suppose that the great destruction which happened to our crops of grain would have been prevented could it have been sown and planted at a much earlier period, I have therefore taken care to direct that the wheat shall be sown from the latter end of April to the beginning of June, and maize from the beginning of May to the latter end of August.

Agreeable to your directions I have ordered that twenty-five acres of land shall be appropriated for wheat and the rest for maize. I shall likewise, if I am here at the proper season, furnish the convicts, both male and female, with a sufficiency of maize to crop their grounds, which I expect at that time will amount to one acre p'r head with a very few exceptions.

The grape vines which came from Sydney last August were immediately planted, and which, together with some cuttings that I had planted just before then, amounts now to between seven and eight hundred, which are all in high perfection, and two or three of the oldest are now bearing.

Since my having ordered the bananas to be thinned by transplanting a very great number of them, many are now fruited, and I have great satisfaction in declaring that some of the fruit is not inferior to any that I have met with in any other part of the world.

Straberries do not thrive here, but sugar-cane grows in the greatest luxuriency, and likewise the castor-nut, indigo, and orange and lemon trees, altho' I have reason to believe that the latter want either grafting or inoculation, as neither of them shew any blossoms.

From my not having a sufficient authority for the more effectually putting a stop to the most shameful, wicked, and abominable practice of marauding and plundering among the most abandoned of the convicts, who, whenever they had thought proper, left the public works and took to the woods in order to make a descent by night upon the houses and gardens of private individuals as well as the public grounds, whereby many of them have supported themselves for several months independent of the store, and living in defiance of such laws as with which we have been invested for their restraint, well knowing that when apprehended and taken, let their offences be ever so capital, that confinement with corporal punishment was all we were authorised to inflict.

There are now, and have been for some months past, in confinement for capital offences five convicts, most notorious offenders, every one of whom is as great a villain as ever graced a gibbet, exclusive of the two men which set fire to the *Sirius*. Captain Hunter not having thought proper to direct a prosecution to be carried on against them, and as I had reported them to your Excellency, I did not find myself at liberty to release them from their confinement until I had received your commands how they were to be disposed of, and the very crowded state in which the *Supply* is in at present renders it necessary still to keep them here.

Your Excellency I hope will pardon the liberty I have again taken in mentioning how much we owe *Arscot*, the carpenter, for the preservation of our lives, as there can be no manner of doubt but for his great and unparalled exertions the *Sirius* with all her provisions would have been burned; but of this Captain Hunter will give you further information.

The martial law which was proclaimed on the *Sirius* being wrecked continued in force only until the beginning of last August, when we received the supply of provisions from *Sydney*, during which time there was only one general court-martial took place for the trial of the convicts, whose sentences were only corporal punishment; and which court-martial, together with such other circumstances as have occurred on that occasion, I hope to have the honour of soon laying before your Excellency, as you have been pleased to inform me that I may soon expect a relief to arrive here.

The situation of this settlement at present is such that unless some criminal court or martial law is established, it will scarcely be possible to prevent constant robberies, as well as all other capital offences; and I should hope your Excellency will see it in the same point of view as in which it appears to me; and should you think fit to order the law martial to be proclaimed here, that you will please at the same time to order a sufficient number of military officers, together with those already here, which you may judge adequate for the composing a tribunal, with full powers to try and determine all such offences as may be brought before them.

Could I have found any fresh water on *Phillip Island*, which I examined for that purpose, I should have been able to have kept those villains in good order, by sending the most notorious of them (for any fresh offences which they may be guilty of) to that island. And as I have been disappointed in that hope, I expect I shall find myself necessitated to send those notorious offenders, as well as all such others who may hereafter deserve

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it, to Nepean Island, first taking care to send as much water as will last them two months, and once a week, when the weather will admit, taking care to keep up the stock.

I did hope that the mode I had taken with the people in confinement would have given a much greater check to villainy than I am afraid it has done, which is that of having ordered the commissary not to issue them more provisions of any species than what the surgeon thought absolutely necessary to sustain life, and by which you will see what has been saved in store.

Since the arrival of the supplies which were sent us last August, Thomas Stretch, a convict who preferred an idle and abandoned life in the woods to moderate labour and a full ration, did soon after that time abscond into the woods; and as he has not been seen nor heard of for these four months past, there can be no doubt of his being dead; and about a fortnight ago, John Robins, convict, was drowned, having been washed off the rocks near Ball's Bay, where he had been fishing; and since my arrival here the following is a state of the births and deaths, viz.:—Births, fifteen; deaths, twelve. Of the latter, killed by the fall of a tree, one; drowned, eight; died a natural death, three.

You will likewise herewith receive the deputy-commissary's return of the expenditure of stores and provisions, together with an account of what he and myself think is necessary to be sent and most wanted on this island, agreeable to your Excellency's order, by the Supply.

I have likewise to inform your Excellency that Richard Philamore, convict, having prior to my arrival here entered into terms with Mr. King, by which he had agreed to become independent of the store at the expiration of one year from such agreement, which period having been elaps'd three weeks ago, and he having reported to me the same, I have agreed to his working for himself untill your Excellency shall please to give directions whether he may be permitted to settle on such terms as Government has held out. He has not only undertaken to maintain himself now independent of the state for provisions, but he has also undertaken to maintain a man and woman which I have given him to assist in clearing more land for him on the above terms; but as he is not yet in possession of a sufficient stock of swine to provide him and the two people with animal food, I have directed the deputy-commissary to assist him with half a ration of salt provisions for himself and two people until he has a greater increase of swine, and for which the Commissary is to stop out of his corn which is now in the public granary as much as may be judged equivalent to the value of the provision which he draws. And I am of opinion that the man will do very

well, as he is a very deserving painstaking person. I wish I could say as much for Mr. Smith, for, notwithstanding every encouragement that has been given him by Mr. King, as well as by me since Mr. King's departure, I am clearly of opinion that he never will do any good for himself or anybody else. However, I have still left him upon the same ground on which I found him.

I shall likewise herewith enclose for your Excellency's information the surgeon's report of the sick and hurt on this island from my arrival until this date, as well as his opinion respecting the state of the people's health. And altho' I do not expect that there will be many objects here who may require an hospital, yet I have ordered one to be built and which is now in very great forwardness, and will be ready for the reception of patients by the return of the Supply.

The Supply will not have room at this time for more than fifty boards. She will likewise have a few oars out of twelve dozen which I had ordered to be made on purpose to be sent to your Excellency, together with a thousand axe-helves which are of a superior quality to any wood you can have for that purpose at Port Jackson, which will be delivered by Mr. Blackburn on his arrival at Sydney. And the things that he has not now had an opportunity of taking together with as much plank as two pairs of sawyers can cut by the time she returns from here again shall be sent with the remainder of the oars.

I feel myself very much obliged to your Excellency for having been pleased to communicate the information you received respecting a war with Spain, and am very much of your opinion respecting it.

I understand that the natives about you have lately been very troublesome, particularly in a most savage attack upon your Excellency, who, I understand, has been dangerously wounded by them; and am happy that the same information gives me an opportunity of congratulating you upon your recovery from the wound.

And should your Excellency think fit to adopt that (or some other) plan which I herewith enclose, for the convicts maintaining themselves at a certain period independent of the store, that if it can be spared from Sydney this island should be compleated to, at least, one year's beef and pork; but should you think fit to annul the plan altogether, I think we can manage very well with what we have; and by curtailing the present ration to two-thirds, that we shall by no means feel any distress. But at the same time I must observe that the present plan is so very much approved by almost all the convicts here, and has created such a spirit of industry and emulation among them as was scarcely possible to expect.

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I have settled the superintendant of the flax-dressers, together with all the people which he had fixed upon, at Cascade, as the fittest place in his opinion on this island for the business on which he is employed. There is a small town growing up there, and at this time about seven or eight acres of clear ground.

At Charlottefield there is a very pretty little town building, but as that, nor the town at Cascade, is not named by me, I shall wait your Excellency's commands and directions on that head.

Your Excellency, I hope, will excuse me when I inform you how much I feel myself at a loss with respect to my public letters to you sent by Mr. King, for you have not yet done me the honour of giving me the least intimation of their having been received, nor can I suppose it scarce possible that Mr. King could withhold them, or else copies of them should accompany this.

R. Ross.

[Enclosure No. 2.]

LIEUTENANT-GOVERNOR ROSS TO GOVERNOR PHILLIP.

Sir, Government House, Norfolk, 11 February, 1791.

I have not lost any time in getting the officers and people who accompanied me quartered in the best manner I possibly could; altho' very much crowded by having the officers and company of his Majesty's ship Sirius to provide for.

When the convicts had done attending the wreck of the Sirius, I immediately employed them in clearing and cultivating the land in such manner as appeared to me the best calculated, in the first place, to prevent our being starved for want of sustenance, and in the next to answer the purpose of soon rendering this island independent as far as respects the articles of provisions; but I could not pay any attention to the flax, because there was not any person on the island who knew anything of it, until the middle of August, when a Mr. Hume, one of the superintendants sent out by the Government, arrived here, and as your Excellency pointed him out as a person acquainted with the management of the flax, he was immediately employed thereon with such a number of the people under him as he chose, and provided with everything he wanted, and that could possibly be procured or made in the settlement, in order to get some of it manufactured, to send to England.

The live stock, stores, and cloathing at my arrival here were so very little, that from absolute necessity I was obliged to observe the most rigid economy in the distribution of them.

Whenever I have found that any part of what has been acquired by the labour of the convicts could be taken into store on account of the Crown, I have in that case ordered it to be done. And I shall be particularly careful that the storekeeper, or deputy-

commissary, do transmit to the Commissary at New South Wales an account from time to time of the issues of provisions and expence of stores at this settlement, together with an account of such provision and stores as he may receive, and from whence, &c.

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With respect to the employing as many convicts as possible in cultivating and dressing the flax-plant, is answered in the second paragraph. And with respect to the expectations from so fertile a soil, I shall beg leave to refer your Excellency to a plan which I have ordered to be carried into execution for the purpose of rendering the island independent, as far as respects the necessities of life, and of which the papers herewith enclosed, Nos. 1 and 2, are copies.

From my arrival to the time the first ships arrived we had scarcely anything to give the stock, and therefore were obliged to kill many of them for want of food to give them; what were left I hoped would have done well; but in this I have been very much disappointed, for since the middle of December a very considerable number of swine as well belonging to the public as to the officers and inhabitants in general died; however, I shall hope to be able to leave some swine of my own, in addition to what belongs to Government, and, as poultry thrive well, I shall leave some geese, turkies, ducks, and fowls, as a beginning for a stock for Government.

A supply of provisions we have had, but cloathing not a rag, notwithstanding a great part of the slops sent in the Sirius for the use of the convicts were never put into store, particularly the linsey wolsey jackets and blue breeches which were all put into the seamen's store upon a supposition that they were navy board slops for the use of the ship.

In consequence of the very distressed situation in which we were left for such a length of time, I found it necessary to make a considerable deduction from the customary ration, even so much as to stop the salt provisions entirely.

There having been no clergyman on the island, I had it not in my power to take any steps for the celebration of public worship, but a due obedience to good order among the convicts has been kept, even to a degree that could scarce be expected among a set of the most abandoned people in the universe who were not subject, let their crimes be what they may, to any law or punishment whatever, except such as any justice of the peace may inflict.

The names of such officers, soldiers, and others, who may be desirous of becoming settlers, &c., shall be forwarded by every ship or vessel going to Port Jackson, as well as the names and particulars respecting such convicts as I shall think deserving of favour. If any settlers are established on the island during my

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command, they shall, as far as the situation of the live stock, stores, provisions, &c., in the settlement will admit, be supplied therewith, and with everything ordered.

I shall be particularly careful that no craft of any sort shall ever be built here which may enable the inhabitants of this island to effect an intercourse with any of the settlements of the East India Company, the coasts of China, or any island to which an intercourse has been established by any European nation; and should any ships or vessels arrive at this settlement from any of the places before mentioned, I shall prevent any communication being carried on between them and the inhabitants residing here without first receiving your permission for that purpose; nor will I permit the building of any deck'd vessel, or boat, or any boat whatever whose length of keel exceed the dimensions given in my instructions.*

And as the officers and company of his Majesty's late ship *Sirius* are employed in getting the iron ordnance, as well as everything else that can possibly be got from the wreck which may be of use, and which business a few weeks' fine weather may effect, after which time the wreck will be rendered unserviceable for any purpose whatever.

It having been made known to me that a year before my arrival on this island some people who had lost their way in coming from Anson Bay to this place had fell in with an extensive valley without any timber upon it, and as I found that there never had been any person sent to examine if it was fit for cultivation, on the first of June I sent some people in search of it, who made such a favourable report that on the 12th of the same month I went myself, accompanied by some officers, to view and examine it; and from its appearance I judged that it could be cleared with much less trouble than any place I had seen here, and therefore determined to clear, cultivate, and make a settlement upon it.

And as our then situation required every exertion to be made for the purpose of clearing land for the reception of corn, and it appearing to me to be by far the most beautiful as well as the most grateful soil I had seen on the island, I have done the place the honour of naming it after her Majesty,† *Charlottefield*, and I appointed Captain Lieutenant Johnston, with his company—together with a few emaciated convicts, which were all we could then spare from the work carrying on here—to take post there, and not only keep the convicts at work, but the marines should likewise be employed on this very necessary work of clearing land, and for which I have promised them payment in the like manner that all others of his Majesty's troops are paid when employed on public works.

* Note 155.

† Note 156.

The above I hope will be looked upon by your Excellency as having on my part complied with your instructions up to the present time, and shall have great satisfaction in continuing to do the same, and complying with all other orders and commands with which you may please to honour me.

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[Sub-enclosure No. 1.]

NORFOLK ISLAND—GENERAL ORDER.

By his Honour, Robert Ross, Esquire, Lieutenant-Governor of his Majesty's territory of New South Wales and its dependencies, commandant of a corps of marines serving in the said territory, and commander at the Island Norfolk.

WHEREAS it is necessary and fitting that every endeavour should be used to render the settlement of this island independent as far as possible with respect to the necessaries of life, and as during the course of the last winter and spring it was strongly recommended to the convicts to clear and cultivate some ground for gardens for themselves, and an assurance made them of being supplied with Indian corn, potatoes, caravanseras, and all other vegetable seeds for their gardens. And as many of the most industrious among them have availed themselves of his offer, and are now in possession of very comfortable lots of clear ground, which supplies them very comfortably with many vegetables, which are a most excellent succedanium for flour. And being of opinion that if one day in each week is allowed them in addition to the time they now have, for the purpose of clearing and cultivating land that most of the convicts on this island may, in the course of the present year, be able to supply themselves with all necessaries (cloathing and animal food excepted). And whenever they can be supplied with at the rate of one sow with pig for every three convicts, that they will in one year from the time such sow shall farrow stop from drawing any article of provision from the King's store.

And whereas, I judge it fitting and expedient for the benefit of his Majesty's service, to order that the following rules and regulations take place until such time as his Excellency the Governor-in-Chief shall signify his pleasure thereupon.

It is therefore ordered, that every convict who, from a disposition to industry, may be permitted to clear and cultivate a certain proportion of land for their own maintenance, will observe the following orders and regulations on that head.

That every convict so permitted, shall from the date hereof be allowed to work every Friday and Saturday to themselves in order to clear and cultivate as much land as may be necessary for the above purposes, not exceeding one acre per head.

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At the expiration of the first three months after this date, the ration of flour shall be reduced to six pounds, being the three-fourths of the present allowance.

At the expiration of six months from the same date, the ration of flour shall be reduced to four pounds, being one-half of the present allowance.

And on the first day of March, 1792, the ration of flour, or any part thereof, shall not after that period, be issued out of the stores to any such convict or convicts.

Whenever the increase of swine will admit the giving, at the rate of one sow to every three convicts (which sow, when given, will be considered to be with pig) in twelve months after she farrows, the said three convicts shall not be entitled to any more animal food, or any other article of provisions from the public stores.

And as a further encouragement to such convicts as wish to become independent for the necessities of life (clothing excepted), an additional day in each week shall be allowed to such of them as shall for the space of one year continue to supply the market with the greatest quantity of fresh pork, not exceeding sixpence per pound; or the greatest quantity of grown fowls, not exceeding one shilling each; or half grown fowls sixpence each; and small chickens in proportion. This bounty is to continue for one year, or longer as circumstances may require; and the like indulgence will be given to such convict who shall furnish the commissary with the greatest quantity of Indian corn within the said term.

And whereas there are many of the convicts here who are not able to maintain themselves, and that there may be hereafter many more in the same situation, it is therefore ordered, to prevent them being a charge to the Crown, that each convict possessing land on this island shall deliver into the public stores, at the rate of one bushel of Indian corn per annum, for every acre of land that they have in cultivation, which corn shall be deemed a fund for the above purpose.

Such convicts as allowed on the above terms to maintain themselves are at all times to consider themselves as servants of the public, and to be obedient to all such orders and regulations as any of the other convicts are; and if at any time it may be judged necessary to employ them for the public service on any of the days which are allowed to themselves, they must immediately attend; and when they have performed the work ordered they shall have the same number of days allowed in lieu.

It is ordered that the pine-trees shall on no account whatever be cut down, barked, or in any manner damaged or destroyed, but by order of the commandant of the island.

Whenever any thatch is wanted the sedges are to be used for that purpose; and the flax-plant is not in future to be cut for any purpose but that of the cloth manufacture, except by permission first obtained from the commandant.

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And as it is imagined firewood will in a short time be very scarce about the town, it is therefore ordered that in future whenever any trees are felled, instead of the heavy timber being burnt on the ground, it shall be cut into convenient lengths and stacked for firewood.

Such of the convicts, whose term of transportation may be expired, and who have been permitted to live on the above farms, are during the time they stay on the island to consider themselves as servants to the public, except in such cases where they may be allowed to become settlers, which service is to be deemed equivalent to the land they hold.

It is expected that the convicts who are indulged with the privilege of maintaining themselves shall be classed together, and not less than three in a family, women and children included. And for the further encouragement of such male convicts as are desirous to maintain the females, such females shall not be called upon by the public to do any work, except in hoeing the corn upon an appearance of rain, or picking the caterpillars or grub from the corn, or any other work of evident necessity.

All the foregoing rules and regulations are submitted to his Excellency the Captain-General and Governor-in-Chief of the territory of New South Wales and its dependencies, for his consideration, to be approved of, annul, alter, explain, or amend, as he shall judge meet, and therefore only to continue in force until such time as he shall signify his orders or pleasure thereupon, of which all persons concerned are hereby to take notice.

Given under my hand and seal at Head-quarters, Norfolk Island, this eighth day of January, 1791. R. Ross.

[Sub-enclosure No. 2.]

NORFOLK ISLAND—GENERAL ORDER.

HIS Honour the Lieut.-Governor, judging it expedient and necessary that the convicts on this island should as soon as possible be rendered independent of the publick store for animal food, the following articles are therefore to take place until his Excellency the Governor-in-Chief shall please to confirm, alter, or annul the same, to wit:—

First.—That the stock the property of Government will be issued to the convicts after the rate of one grown sow for every three convicts, or one small sow pig to each convict, as far as it will admit.

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1 March.

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Norfolk Island.

Secondly.—That every three convicts receiving a grown sow shall, in twelve months from the time she farrows, or in sixteen months from the time of delivery, cease drawing any animal food from the store.

Thirdly.—Any convict furnishing himself and two others with a grown sow shall, at the time of his ceasing to draw any more provision from the store, receive from the commandant of this island after the rate of £4 sterling for the same, the produce of which sow to be the property of the three convicts specified, for their support, and the sow is to be considered as the property of Government on the possessors thereof quitting the island.

Fourthly.—Government not having stock sufficient to supply the whole of the convicts, such convicts as cannot be so supplied shall be obliged to provide themselves with a sow pig not younger than two months old, which shall be paid for by moderate deductions from their weekly ration, and which at the expiration of sixteen months from the time he receives the said pig into his possession, he shall be deemed to be independent of the public stores, and shall then receive from Government a gratuity of £1 6s. 8d., being the third part of what they pay to each convicts who furnish themselves with a grown sow.

Fifthly.—Any three convicts entrusted with a sow from Government for the purpose of raising stock for their own benefit, if on inspection it appears they have been negligent in the care of the same, all and every such convicts shall be subject to such pains and penalties as might be inflicted on such persons as are guilty of killing, robbing, or destroying any of the public or private live stock.

Sixthly.—The owners of every sow farrowing from the date hereof shall be obliged to part with every sow pig in such litter above two until such time as every male and female convict clearing land on this island shall be supplied with stock, of which future notice will be given.

Seventhly.—In case any sow deliver'd by Government to any of the convicts shall meet with any disorder that may occasion its death, Government shall, if on investigation it proves to have been an accidental cause, make good the same, provided such accident shall happen within sixteen months from the time of delivery; and the said stock shall in no manner be made away with without proper notice given to each person who may be appointed to inspect the same; and every person is to report his increase or decrease of stock weekly to the depty. commissary.

Lastly.—Should this agreement not be confirmed by his Excellency the Governor-in-Chief, and any person in future authorised

in consequence thereof to call in the sows the property of Government, the produce of the same sows are to be considered as belonging to the convicts who may have been entrusted with the care of them, except one sow pig from each sow, which is to be returned with the old one.

Norfolk Island, 9th Feby., 1791.

R. Ross.

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Norfolk Island.

[Enclosure No. 3.]

LIEUTENANT-GOVERNOR ROSS TO GOVERNOR PHILLIP.

Government House, Norfolk,
11th February, 1791.

Sir,

I have the honor of enclosing for your Excellency's information a general return of that part of the detachment which is serving with me on this island; together with the names of such non-commissioned officers or private men of the detachment of marines as wish to remain in this country, either as soldiers or settlers, at Port Jackson or Norfolk Island.

I am sorry to acquaint you that for some past Lieut. Johnstone's state of health has been such as to render him incapable of performing his duty. I have, therefore, in consequence of the surgeon's advice, signified to me by letter, permitted him to proceed to Sydney in the Supply, and directed him to put himself under the command of Captain Campbell, or the officer then commanding the marines, on his arrival in that settlement.

I hope he may have his health re-established in time to return with the Supply, or that your Excellency will direct some other officer to join me, in order that I may be enabled to carry on the necessary duties.

What makes this so necessary to be done is, that notwithstanding the very great favour and indulgence shown to Lieut. Kellow by his brother officers, with whose request your Excellency was pleas'd to comply that he might then be permitted to return to his duty, soon after his arrival here he forgot all his promises on that head, and in the opinion of myself and all his brother officers he has behaved in so very un-officer and un-gentleman like manner as to make it necessary for me to suspend him from all duties until he is tried, or until your Excellency shall please to order in what manner he is to be disposed of.

For the situation of the store after we had received everything we were to get from the wreck of the Sirius, I beg leave to refer your Excellency to Mr. Morley, the late storekeeper, who has all the accounts; only begging to remark that it was the general

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—
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Norfolk Island.

opinion that we could not have survived so long but for the immensity of birds which we brought in every night from Mount Pitt.

Many of the convicts here has signified to me that the term for which they were sentenced has expired, and wish in consequence of the assurance made them by Mr. King and myself, in your Excellency's name, that as soon as you were made officially acquainted with the same, such of the convicts as wish to return to Port Jackson, that you would send for them. They therefore pray that your Excellency will not forget them. I have, &c.,

R. Ross.

[Sub-enclosure No. 1.]

STATE of the Settlement on Norfolk Island, February the 11th, 1791.

	No.
Lieutenant-Governor of the territory of New South Wales and Commander-in-Chief	1
<i>Military.</i>	
Commissioned Officers	7
Non-Commissioned Officers.....	8
Drummers.....	3
Privates.....	60
Women.....	4
Children	3
<i>Staff.</i>	
Surgeon	1
Deputy-Commissary.....	1
Free people	5
<i>Convicts.</i>	
Males	227
Females	245
Convicts' children	62
<i>Numbers on different ration.</i>	
Whole	313
Two-thirds	249
Half	25
Quarter	39
Whole numbered victualled.....	626
Whole number victualled on full ration.....	501
<i>Weeks on full ration.</i>	
Flour and rice	28
Beef ..	28
Pork	42
Spirits—gallons	85
Butter and sugar—pounds.....	1,250

N.B.—It appears from the surgeon's returns that only one man, one woman, and one child have died natural deaths since the Island was first settled.

[Sub-enclosure No. 2.]

RETURN of the Non-commissioned Officers, Drummers, and Privates
of the Detachment of Marines serving at Norfolk Island
who wish to stay in the country as Soldiers or Settlers :—

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Names.	Quality.	Wish to remain as Soldiers or Settlers.
John Brown	Private	As a soldier.
John Woods.....	do	As a soldier.
John Escott.....	do	Settler at Norfolk Island.
Isaac Tarr.....	do	do do
George Plyer	do	do do
James Kirby	do	do Port Jackson.
James Angle.....	do	do Norfolk Island.
Patrick Connell	do	do do
James Reiley	do	do do
Jonathan Woodman.....	do	do do

R. Ross.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 2, per Dutch snow Waaksamheyd; acknowledged
by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sir, Sydney, New South Wales, 4th March, 1791.

4 March.

To the information I had the honor of giving you in my letters by the ships which sailed from hence in July last I have little to add respecting the state of this colony. The supply of provisions brought by those ships enabled us once more to proceed with the public buildings, and in clearing and cultivating the land. Three stores, sufficient to contain two years' provisions for the settlement, are built here and at Rose Hill; they are of brick, and tiled, so that we are no longer under any apprehension of an accident from fire. A barrack is likewise finished at Rose Hill for an hundred men, and the officers' barracks will be finished by the end of May, immediately after which barracks for officers and men will be began at this place. The want of limestone still obliges us to confine our buildings to a certain height, for

State of the
colony.

1791. 4 March.	<p>although the clay is of a strong, binding nature, we cannot with safety carry the walls of those buildings more than twelve feet above the ground, as the rains are at times very heavy, and should they come on before the clay is thoroughly dry, the walls would be in danger from the great weight of the roof. In their present state they will, however, stand for a great number of years.</p>
Distribution of convicts.	<p>All the convicts at Rose Hill are now in good huts, and what convicts may be sent out in future will be employed there, those excepted who may be sent to Norfolk Island. At Sydney no more convicts will be kept than what are necessary for carrying on the public buildings, and as servants to those to whom Government grants that indulgence.</p>
Rainfall.	<p>From June until the present time so little rain has fallen that most of the runs of water in the different parts of this harbour have been dried up for several months, and the run which supplies this settlement is greatly reduced, but still sufficient for all culinary purposes. At Rose Hill, although the brook is greatly reduced, the run is sufficient for any number of people, and there are still several large ponds of good water in different parts of the country, where I have proposed fixing settlers. I do not think it probable that so dry a season often occurs. Our crops of corn have suffered greatly from the dry weather, although they turn out better than were expected; but in losing the man mentioned in my last letters as the person who had the directing the convicts' labour at Rose Hill,* and who was the only person in this settlement equal to that charge, the settlement has sustained a great loss. On his death I appointed one of the superintendents in his place, who is a good farmer; but, sir, the directing the labour of the convicts in cultivating a country such as this will seldom be done to any effect but by those who are immediately interested in the labour of those they have under their care. It requires greater exertion and a closer attendance to the convicts to draw any very great advantage from their labour than what every man, though willing, may be capable of, and much more than the generality of men feel themselves bound to give for a salary of forty or fifty pounds a year; and, after three years' experience, I am not only fully persuaded</p>
Death of Dodd.	<p>that the sending out settlers, amongst whom the greatest part of the convicts should be distributed and supported by Government for a certain time, on some such plan as proposed in my former letters, is necessary, but I am persuaded that a large body of convicts on the account of Government will not answer any good purpose until the country can support itself.</p>
Settlers wanted.	

* Note 81.

The convict, however, must be fed, and to him it is very immaterial at what expence. The person I have now appointed to direct the convicts' labour will want some assistance—and I have in a former letter requested that a proper person might be sent out to be charged with the cultivation of the ground and the collecting and distributing the grain. Something more than a common farmer will be necessary, if the convicts are to be continued on the account of the Crown.

1791.
4 March.

Farmer
superintendent
wanted.

The Commissary is directed to make the necessary returns of stores and provisions; and I hope the speedy arrival of ships from England will prevent the reducing the present ration, which is far from being so satisfactory as the established ration would be. There are neither pease nor butter in the colony, nor any spirits, except the remains of what was sent out for the use of the Sirius. I know not whether it is the intention of Government to allow spirits to the new corps, raised for the service of this country, and to the civil department, or not. The flour brought from Batavia is full one-sixth bran, though purchased at an excessive price, and the rice is bad. You will, sir, readily conceive that where inconveniences are felt, which are not met with in the common course of service, if despondency and discontent once take place, they spread, and are not easily removed.

Commissariat.

The Provost-Marshall appointed in England having never appeared, the necessity of such an officer has made me detain Mr. Henry Brewer, late midshipman of the Sirius.* He has acted as Provost-Marshall three years, and I beg leave to recommend him for the appointment.

Provost
Marshal.

Two small pieces of cloth, made at Norfolk, are forwarded with my dispatches, and the letter I received from the superintendant who was sent there to attend particularly to the cultivation of the flax-plant, by which it will be seen that there are some articles necessary which we cannot make in this country, the want of which, and not having any oil when the flax was dressed, is, I am told, the reason the cloth is so very indifferent. A quantity of flax-seed is likewise sent home.

Cloth from
flax.

At Rose Hill, two hundred and thirteen acres will be sown this year. The progress made in agriculture since last June has been considerable; and I hope we shall be enabled, by the arrival of the necessary supplies of provisions, to continue our labours.

Agriculture.

Black cattle are much wanted, and for the security of which inclosures have been made, and the timber thinned on the ground, so that we shall not in future risk their loss.

Cattle wanted.

* Note 31.

1791.
4 March.
Shipping
required.

His Majesty's ship *Sirius* will, I presume, be replaced, and the *Supply*, armed tender, relieved, as the repairs that vessel will soon stand in need of cannot well be given in this country. I therefore beg leave to observe that two ships will be necessary for the station, and that the most useful will be from three to four hundred tons burthen.

The want of two small vessels has been mentioned in my former letters.

The guard-ship mentioned in my former letters would be very convenient; but there is not that necessity for such a ship at present as there was when I made the request.

I have, &c.,
A. PHILLIP.

[Enclosure.]

ANDREW HUME TO GOVERNOR PHILLIP.

Sir, Cascade Bay, Norfolk Island, 10 February, 1791.

Manufacture of
flax.

I beg leave to inform you with my progress on the manufactory of the flax plant and my opinion of it. I have had two pieces of cloath made, specimen of which Major Ross intends to send pr. the *Supply* for your Excellency's inspection, together with a specimen of the flax; and I have the strongest hopes of making great improvement, specimen of which I hope to have ready to send to your Excellency by the next ship; and as I am much in want of proper materials, as well as proper people for the purpose of carrying on the manufactory, I hope your Excellency will be pleas'd to give orders for me to be provided with the following articles, which are much wanted:—Looms, spinning-wheels, and, in particular, weavers' bushes, oil, and different sets of stays, from fifteen to twenty-four score, three quarters and half wide. Spinning-wheels and looms may be made here. Should your Excellency find a stay-maker amongst the convicts, he is a person much wanted here. I have sent a cask of flax seed, directed to your Excellency, marked A.H., which has been dried in the pod; one piece of cloath I have tried to bleach; but, as time will not permit, it will only serve for your Excellency to form an idea of what may be made of it.

ANDW. HUME.

P.S.—The piece marked with brown, the first made; the blue, the second. Catgut and wire wanted to compleat the spinning-wheels.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 3, per Dutch snow Waaksamheyd; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

1791.
5 March.

Sir, Sydney, New South Wales, March 5th, 1791.

In my former letters I have requested instructions relative Expirees.
to those convicts who say that the terms for which they were sentenced are expired, and who, refusing to become settlers, desire to return to England. To compel these people to remain may be attended with unpleasant consequences; for they must be made to work, if fed from the publick store; and if permitted to be their own masters, they must rob, for they have no other way to support themselves.

The language they hold is, that the sentence of the law has been carried into execution, that they are free men, and wish to return. I have no means of knowing when the sentences of any of the convicts expire who came out in the first ships.* Many of these people would find a passage to China in the ships which stop here, if those ships were permitted to receive them on board; but here are many, whose sentences are said to be expired, that no ship would receive, aged and infirm.

Three or four convicts offer themselves as soldiers.

I hope, sir, to receive your instructions on this head by the first ships; for though there has been no very great impropriety in the conduct of any of those who say the time is expired for which they were sentenced, it is more than probable that they will become troublesome as their numbers increase. Since my last letters, two convicts have been emancipated†—one from his Emancipists
very meritorious behaviour and the great service he has rendered the colony by his own labour, and by instructing others, in the business of a bricklayer.

The other was particularly recommended by the Lieutenant-Governor as having been the means of saving the Sirius from being burned, after that ship went on shore. Both these men will be permitted to return to England.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

7th March, 1791.

SECRETARY STEPHENS TO GOVERNOR PHILLIP.

10th March, 1791.

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

12th March, 1791.

[Copies of these three letters have not yet been found.]

* Note 96. † Note 157.

UNDER SECRETARY NEPEAN TO GOVERNOR PHILLIP.

1791.
12 March.

(Per transport Pitt; acknowledged by Governor Phillip, 29th March, 1792.)

Sir,

Whitehall, 12th March, 1791.

Despatches.

As the Letters which Lord Grenville has written to you by Captain King, contain full information on the several points which are the subject of your Letters to me, it becomes unnecessary for me to say anything to you respecting them.

The Guardian's
stores.

Since his Lordship's Letters abovementioned were closed, a Letter of which the inclosed is a Copy has been received from Captain Blankett, by which you will perceive that some of the Provisions saved from the Guardian have been appropriated to the Supply of His Majesty's Ships Leopard and Thames; but as no account has been transmitted of the specific quantity supplied to those ships, Lord Grenville is at present unable to take any steps for replacing them; you may however rest assured that the circumstance will be adverted to whenever any further Supplies are ordered, and that the situation of the Settlement under your Government in point of Provisions will always be an Object of his Lordship's particular attention.

I am, &c.,

EVAN NEPEAN.

[Enclosure.]

CAPTAIN BLANKETT TO UNDER SECRETARY NEPEAN.

Cape of Good Hope,

Dear Nepean,

29 October, 1790.

After a hot, rough, disagreeable passage of seventy-nine days, allowing for my stop at Guernsey and Madeira, I am arrived here in perfect health, not having a single man sick in either of the two ships. I found Lieut. Riou here, whose spirits seem to have suffered from what he has undergone and the irksome situation in which he finds himself, being in suspense and not knowing what to do with the stores and provisions his constant perseverance has saved from the general wreck. It cannot be supposed that the Gorgon will be able to take more provisions or stores than were expended on her voyage, and as there is no possibility of finding a conveyance here for Port Jackson he is much distressed at the expence to which he has already put Government. I have therefore ordered the two ships to complete as much as they can stow from his remains, a practice not very usual at the Cape, but which I conclude it was my duty to do. I have advised Mr. Riou to allow a certain time for the arrival of the Gorgon, and of course to follow any orders he may receive by her, but that failing, to sell all the perishable stores for the

payment of his warehouses and other incidental expences, which, with removals, packages, sorting, washing, drying, &c., have already made his bad commodities double, treble, the price of what might have been sent out from England.

1791.
12 March.
The Guardian's
stores.

I think he should put Government to no farther charge, as the stores, &c., become hardly worth saving, and certainly not worth the expense that attends them here, through the various impositions and frauds that are practised. The increasing jealousy of this Government of their colonists has served to stop the usual communication by ships, and the taxes and other fines levied for the maintenance of the military and the carrying on the new works has caused everything to become very dear and the people very dissatisfied, but having increased the military force, things cannot yet come to any ouvert declaration of their sentiments.

I should not have scrupled to have interfered had I seen any mode of conveying these stores to Port Jackson, nor even in the advising the whole to be sold, but for the fear of embarrassing Mr. Riou; for here there is nothing but paper currency, nor could he get a bill worth accepting, and you may add to this that Government, disposition, and practice all concur to form a most perfect monopoly, so that they are as much masters of the price when they buy as when they sell.

Lieut. King, who will be with you before this, will have informed you fully of the situation of your colony, and as this comes by a French frigate I forbear to speak of that or myself. The accounts here are positive that we have entered into the war with Tippoo, that General Merdon had marched from Madrass, and that Genl. Abercrombie had embarked from Bombay. I could not authenticate the report sufficiently satisfactorily to myself, from the accounts I received from the Governor here, to mention it in a public letter, so that I give it you as a report only.

Make my most affectionate compliments acceptable to Mrs. Nepean, and let me repeat my sincerest wishes for all possible health and happiness to attend you.

Yours, &c.,

J. BLANKETT.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per Dutch snow Waaksamheyd; acknowledged by Secretary Stephens, 20th July, 1792.)

Sydney, New South Wales,

Sir,

14th March, 1791.

I have the honor to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the return of the

14 March.

1791. 14 March.	Supply, armed tender, from Batavia, having put it in my power to send for the officers and seamen who had remained on Norfolk Island after the loss of his Majesty's ship <i>Sirius</i> , they were sent for accordingly; and as so many months had passed since I had reason to expect the <i>Gorgon</i> to arrive, that I concluded the destination of that ship had been changed, or that some accident had befallen her, the Dutch vessel that brought the provisions from Batavia was hired to carry them to England. She was taken into the service as a transport the 7th of February, 1791.
The crew of the <i>Sirius</i> .	
Waaksamheyd hired.	
Deaths on Supply.	The <i>Supply</i> lost five men in the voyage, and left six in the hospital at Batavia. Mr. Newton Fowell, who I had appointed second lieutenant of the <i>Sirius</i> (when Lieutenant King was sent to Norfolk Island), and the gunner of the <i>Sirius</i> , likewise died on the voyage. Both these officers were to have been landed at Norfolk Island had the <i>Supply</i> made it in her passage to Batavia. The gunner had been left sick when the <i>Sirius</i> sailed.
The crew of the <i>Sirius</i> .	Since the loss of the <i>Sirius</i> , the purser, Mr. John Palmer, has been appointed Commissary, and Mr. Thomas Jamison, who was surgeon's first mate of the <i>Sirius</i> , to be an assistant surgeon to the colony. Two petty officers* remain, the one as provost-marshal, the other as a storekeeper; two marines and ten seamen have been received as settlers, and two remain employed in the colony. They are all discharged from that ship's books. Lieut. George William Maxwell, who my former letters mention having been superceded as being insane, and in which state he still continues, returns to England in the transport; and I beg leave to recommend to their Lordships for a confirmation of the commission he has received, Mr. Henry Waterhouse, who was appointed to act as third lieutenant of the <i>Sirius</i> , when Lieut. Maxwell was discharged from that ship.
Officers return- ing to England.	Lieutenant Thomas Edgar and Mr. Richard Ayley [Alley], who were sent out in the <i>Lady Juliana</i> , transport, and Mr. John Turnpenny Altree, who came out as surgeon in one of the transports that left England in May, 1787, and who has been since employed at Norfolk Island,† returns to England in this transport.
Ships required.	Their Lordships will, I presume, have ordered the <i>Sirius</i> to be replaced, and as from the carpenter's report of the <i>Supply's</i> defect, which is inclosed, it is probable that vessel will be ordered to England, I beg leave to observe that two ships will be requisite for the service of this colony, and that the most useful would be ships of from three to four hundred tons burthen, with flush decks.

* Note 158. † Note 11.

I have in my former letters mentioned how very useful two small schooners would be in this country.

1791.
14 March.

Lieutenant Bradley has surveyed Norfolk Island, and will deliver a copy of his survey to the Board. That officer left England as first lieutenant of the *Sirius*, and as the first lieutenants on the different stations have been promoted to the rank of master and commander, I hope their Lordships will be pleased to think his services in this country deserving that favour which has been shewn to others. Captain Hunter will be able to give their Lordships any information they may desire respecting this and the adjacent harbours or Norfolk Island.

Lieutenant
Bradley's
services.

The state and condition of his Majesty's armed tender *Supply*, and returns of the detachment of marines doing duty in this colony, are enclosed.

Those marines who had belonged to the *Sirius* are added to the strength of the detachment (the two excepted who had become settlers), by which means the number of non-commissioned officers and drummers which were fixed when the detachment left England is increased by one sergeant, one corporal, and one drummer; but which I was under the necessity of doing, as the commanding officer of the detachment thought they would not otherwise be amenable to a court-martial.

Marines.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

A report of the state of his Majesty's armed tender, *Supply*,
Lieutenant H. L. Ball, Commander.

Port Jackson, New South Wales, 11 March, 1791.

The main deck decayed, and to be made new fore and aft.

The head of the main piece of the main mast decayed, and will require to be shifted in a very short time.

The large cutter and jolly boats very much worn, and not fit to repair.

Several of the timber-heads forward and abaft decayed and wanting to be replaced.

A new fore cap.

The knees of the main-deck beams wanting to be new bolted.

Several of the chain-plates wanting to be shifted.

It is my opinion his Majesty's armed tender *Supply*, will want, in the course of another year, a total repair, and which can not be done in this country conveniently.

Approved—H. L. Ball.

R. REID, Carpenter.

1791.
14 March.

STATE and Condition of His Majesty's arm'd tender Supply, Henry Lidgbird Ball, commander, this 20th of March, 1791.

Number of Men.																		Short of Complement.		Difference since last account.			Supernumeraries.																
Number of Men.																		Marines.						Entered.		Discharg'd.			No ship.										
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Number of Men.																		Officers' Names and Qualities.						Seamen.		Marines.		From the service.			Into other ships.			Unserviceable.			Borne.		
Number of Men.																		Officers' Names and Qualities.						Seamen.		Marines.		From the service.			Into other ships.			Unserviceable.			Borne.		
Number of Men.																		Officers' Names and Qualities.						Seamen.		Marines.		From the service.			Into other ships.			Unserviceable.			Borne.		
Number of Men.																		Officers' Names and Qualities.						Seamen.		Marines.		From the service.			Into other ships.			Unserviceable.			Borne.		
Number of Men.																		Officers' Names and Qualities.						Seamen.		Marines.		From the service.			Into other ships.			Unserviceable.			Borne.		
Number of Men.																		Officers' Names and Qualities.						Seamen.		Marines.		From the service.			Into other ships.			Unserviceable.			Borne.		

[Enclosure No. 2.]

[*A copy of the Return of Marines has not yet been found.*]

1791.
14 March.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per Dutch snow Waaksamheyd; acknowledged by Secretary Stephens, 20th July, 1792.)

Sir, Sydney, New South Wales, 14th March, 1791.

You will please to inform the Right Honorable the Lords Commissioners of the Admiralty that the purser of his Majesty's late ship *Sirius* having since the loss of that ship been appointed Commissary to this colony, I have directed Mr. Walker, who acted as captain's clerk on board the *Sirius* from the arrival of that ship in this country, to take charge of the provisions and cloathing put on board the *Waaksamheyd*, transport, for the use of the *Sirius*'s late ship's company in their passage to England.

Commissary
Palmer.

Mr. Walker.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 4, per Dutch snow Waaksamheyd; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sir, March 15th, 1791.

15 March.

The increase of people in the colony, and two surgeons being requisite at Norfolk Island, having made it necessary to appoint an additional assistant-surgeon, the surgeon's first mate of his Majesty's late ship *Sirius*, Mr. Thomas Jamison, having acted in that capacity from the time the island was settled in March, 1788, until February, 1791, whose good conduct and knowledge in his profession gave him a claim, is appointed by Commission, dated the 4th of March, 1791, and I beg leave to recommend him for a confirmation of the Commission I have given him as assistant-surgeon to this territory, and for such a gratuity for his three years' attendance to the duty, prior to his appointment, as he may be deemed to merit.

Assistant
Surgeon
Jamison.

I have, &c.,
A. PHILLIP.

1791.
21 March.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Dutch snow Waaksamheyd.)

Sir, Sydney, New South Wales, 21st March, 1791.

Assistant
Surgeon
Altree.

This will be delivered to you by Mr. John Turnpenny Altree,* who came from England in the Lady Penrhyn, transport, with the first fleet. During the passage out he assisted in the attendance of such convicts on board the ship as required medical treatment, and has been since that time employed at Norfolk Island by Mr. King, the late commandant, and by the Lieutenant-Governor as an assistant to the surgeon there, and in clearing and cultivating the land, in which line he conducted himself, as far as I am informed, to the satisfaction of those who employed him, until he left the island, for which services he has never received any compensation except twelve pounds, which, since his arrival here, I have directed the Commissary to pay him.

What his future views are he can best explain. He wishes to return, and the character given of him by Lieutenant King and Captain Hunter inclines me to wish he may succeed. He will, I presume, be thought to merit some little recompence for the time he was on Norfolk Island, and his demands will not, I believe, be very great. He was in the militia as lieutenant and surgeon's mate, and wished to be received here as a subaltern in the New South Wales Corps.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Dutch snow Waaksamheyd.)

22 March.

Sir, Sydney, March 22d, 1791.

The papers you will receive herewith marked No. 1, 2, 3 and 4 are inclosed in order to shew the Stores and Provisions etc. which have been sent to Norfolk Island, between the 18th of March 1790 and the 19th of March 1791. and what were remaining on the Island the 11th day of february 1791.

I have, &c.,
A. PHILLIP.

[Enclosures.]

[Copies of three of the enclosures have not yet been found.]

* Note 6.

AN ACCOUNT of the Slop Cloathing and Bedding sent from His Majesty's Stores at Sydney to Norfolk Island; Between the 18th March 1790 and the 19th March 1791:—

Time When.	Ship Names.	Jackets.	Shirts.	Frocks.	Trowsers.	Drawers.	Shoes.			Linsey Waistcoats.	Worsted Caps.	Stockings.	Soling Leather.	Hammocks.	Bolsters.	Pallasses.	Blankets.	Rugs.	Bales, Lancaster	Yards, Sheetling.	Bales, Ozen-burghs.	Yards, Blue and Brown Bays	Foot Tents.	Thread.
1790. 18 Mar.	Supply, Armed Tender	200	100	400	...	...	...	...	...	...	...	...	...	...	...	...	...	bales	...	...	...	...	...	...
1791. 8 Jan.	Sirius .....	...	...	...	250	800	...	...	...	100	50	600	...	...	40	40	...	...	...	...	...	...	40	...
19 Mar.	Supply, Armed Tender .....	...	...	...	...	...	132	176	12	...	...	...	cases	...	...	...	...	...	...	...	2	...	...	case
	" .....	...	...	...	...	...	2	...	...	...	...	2	cases	277	334	300	6	8	6	...	6	...	...	1
19 "	Lost from His Majesty's late Ship Sirius, at the time she was Wrecked at N. Island	200	100	400	250	800	132	176	12	4	100	50	600	277	*366	*320	6	8	8	...	8	11	40	1
		...	...	...	200	299	...	...	...	100	50	302	...	...	8	20	...	...	...	...	...	...	38	...

* These mistakes appear in original.

JNO. PALMER, Commissary.

1791.
22 March.

1791.
23 March.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Dutch snow Waaksamheyd.)

Sir, Sydney, New South Wales, 23rd March, 1791.

Roger Morley.

The bearer, Mr. Roger Morley, came out from England with the first fleet, and has been employed at Norfolk Island as a storekeeper from the establishment of that settlement until the eleventh of February, 1791, for which service he has only received fifty pounds. He no doubt will be thought deserving of some further recompence, and as he is desirous of returning to this country with his family, it may answer the purpose of Government to grant him some little advantage as a settler, more than what may be allowed those who have not his claim for past services.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.*

(Per Dutch snow Waaksamheyd.)

Sir, Sydney, New South Wales, 25th March, 1791.

25 March.
Officers under
arrest.

I have the honor to inclose the copy of a letter I have this day received from those officers now here who composed the battalion court-martial on the 18th of March, 1788, and who were put under arrest by Major Ross.†

You will, sir, please to lay it before their Lordships.

I have, &c.,

A. PHILLIP.

[Enclosure.]

OFFICERS OF MARINES TO GOVERNOR PHILLIP.

Marine Quarters, Sydney, Port Jackson,

Sir, 25th March, 1791.

We beg leave to represent to your Excellency that on the 18th instant the period of three years since the day of our being put in arrest by our Commandant, Major Ross, for disobedience of orders as members of a court-martial, expired.

In pointing out to your Excellency's observation that the Act of Parliament for the regulation of his Majesty's marine forces while on shore enacts that "no person shall be tried for any offence, desertion excepted, committed more than three years before issuing the warrant for such trial," we beg it may be fully and perfectly understood that we ask the exertion of this law, not as culprits conscious of having committed a crime which we shrink to have investigated or hesitate to meet, but as soldiers indignant at the novelty and disgrace of a situation unexampled in the British military annals—the members of a court-martial under arrest on a charge which, if proved against them, extends

not only to the deprivation of their most gracious Sovereign's favour and dismissal from his service, but to the forfeiture of their lives and honours, doing duty as prisoners, from the necessity of service, for three years.

1791.
25 March.
Officers under
arrest.

Of the readiness and alacrity we have ever manifested to face our accuser we trust it would be unnecessary to adduce instances. Your Excellency is fully apprised of the unanimous and determined resolution with which we solicited by every legal and proper application a thorough investigation of the cause which during so long a period of time has held us up to our corps, to the British army, and to our country as injurers of the service whose prosperity we are bound to promote, and disturbers of the harmony of a settlement whose interests we are bound to protect. While a hope of relief from our situation by the decision of a general court-martial existed, we were silent, we were patient. That hope is now at an end, and therefore to remain without representation longer in our present degraded situation would argue that we are become insensible of ignominy and familiar with humiliation.

There remains yet another motive for our present solicitation. It is possible that a promotion in the corps in which we serve may have taken place since the date of the last dispatches from England, in which case there is but too much reason to dread that our names may have been passed over as prisoners who had forfeited the common claim of service. Dear as promotion is to a soldier, we deem it but a secondary consideration when put in competition with the honour and preservation of our characters in the military profession. May we therefore request, sir, that you will be pleased to release us from a confinement under which we have so long laboured, that we may again be enabled to do our duty in the line with that confidence and security which should ever animate the soldier; and, farther, we entreat that you will have the goodness to transmit a copy of our letter to the Lords Commissioners of the Admiralty.

We cannot close this ungrateful subject without requesting that your Excellency will deign to accept our warm and sincere thanks for the patience with which you have ever listened to our representations, in the course of those frequent and tiresome explanations which a cause long protracted necessarily occasions, and also for the numerous and repeated marks of kindness and attention which you have at all times been pleased to honour us with.

It is in the humble confidence of being deemed neither ungrateful for your past or undeserving of your future protection that we beg to express a hope that your Excellency, in your dispatches to

1791.
25 March.
Officers under
arrest.

the Board of Admiralty, will be pleased to make known to their Lordships that we have not by misconduct forfeited our pretensions to their favour, and to any marks of remuneration which they may intend to confer on the marine battalion serving in this country.

We have, &c.,

WATKIN TENCH, Capt.-Lt. and
President of the Court.

JOHN POULDEN, 1st Lieutenant.

THOS. DAVEY, 1st Lieutenant.

THOS. TIMINS, 1st Lieutenant.

GOVERNOR PHILLIP* TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 5, per Dutch snow Waaksamheyd; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sir, Sydney, New South Wales, March 25th, 1791.

Phillip's request
for leave.

It is not without concern that I find myself obliged to request his Majesty's permission to return to England.

A complaint in the side, and from which, in more than two years, I have been seldom free has impaired my health, and at times puts it out of my power to attend to the charge with which his Majesty has been pleased to honor me in the manner I wish and the state of the colony requires.

The settlement is now so fully established that the great labour may be said to be past; and it has, sir, been attained under every possible disadvantage, though it is not in that situation in which I should wish to leave it, for it is not independent for the necessities of life; and, as I feel myself greatly interested in the good of a colony with the establishing of which I have been honored, and to which I should wish to return, if the cause which now obliges me to desire permission to leave it should be removed by the voyage, or by the assistance I may find in London, I therefore only request leave of absence from the Government.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per Dutch snow Waaksamheyd; acknowledged by Secretary Stephens, 20th July, 1792.)

Sir, Sydney, New South Wales, 26 March, 1791.

26 March.
Lieutenant
Maxwell.

The inclosed are copies of the letters I received from Captain Hunter and the surgeon of his Majesty's ship Sirius, relative to Lieut. George William Maxwell, Nos. 1 and 2.

I have likewise inclosed the surgeon's report of that officer's insanity, No. 3.

A. PHILLIP.

[Enclosure No. 1.]

SURGEON WORGAN TO CAPTAIN HUNTER.

1791.
26 March.

Health of
Lieutenant
Maxwell.

Sir,

16 December, 1789.

It is with much concern I acquaint you that the indisposition which Mr. G. Wm. Maxwell, 3rd lieutenant of his Majesty's ship *Sirius*, labours under at present is attended with such a total incapacity of his intellectual faculties as puts it out of all manner of doubt that his case is a general insanity, and from the similar nature of Mr. Maxwell's former complaints I apprehend that this mental incapacity has been coming on for these two years, consequently there remains little hope of his ever being restored to a perfect sanity. In short, sir, this officer's case appears to me truly shocking and distressing, not only rendering him, perhaps, totally incapable of ever again taking the charge of his office, but such as will probably put a stop to any further promotion in the service on which he wholly depends for a maintenance.

G. B. WORGAN.

[Enclosure No. 2.]

CAPTAIN HUNTER TO GOVERNOR PHILLIP.

Sirius in Sydney Cove,
Port Jackson, 17 December, 1789.

Sir,

I yesterday received the inclosed letter from Mr. Worgan, surgeon of his Majesty's ship under your command, representing the state of Lieut. Geo. Wm. Maxwell's health.

You will readily believe, sir, that I feel very sincere concern at the nature of Mr. Maxwell's indisposition when I inform you that we serv'd as lieuts. together in three different ships during a part of the last war, when he was a most diligent, active, and capable officer. He had a severe fitt of illness just before our first arrival in this country, and which was no doubt the effect of climate. From that period Mr. Worgan seems to date the gradual decline of his intellectual faculties, and I think very justly so, for since that time I have had very frequent cause when upon duty to suspect his mental incapacity. I hope and request, sir, that you will be pleas'd to represent and recommend him to the consideration of the Lords of the Admiralty that something may be allowed for his future subsistence in so very melancholy a situation.

JNO. HUNTER.

[Enclosure No. 3.]

1791.
26 March.
Health of
Lieutenant
Maxwell.

Pursuant to an order from his Excellency Arthur Phillip, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory of New South Wales and its dependancies, and Captain of his Majesty's ship *Sirius*, of the 19th December, 1789, to us directed.

We whose names are hereunto subscribed have impartially examined the case of Mr. George William Maxwell, third lieutenant of his Majesty's ship *Sirius*, which, after a week's attentive observation to it, we find to be a total incapacity of every mental faculty, and to such a degree that we do not hesitate to pronounce him insane.

We therefore recommend that he be immediately removed from the scene and objects with which he has been familiar.

We cannot speak confidently as to the recovery of his senses, but think that the sooner he returns to his native climate the greater chance there will be to restore his sanity.

In addition to this unfortunate malady, we find that a rupture which he received in the execution of some former services in the navy, is very troublesome at present.

And we do declare that we have examined his case with such care and attention that we are ready to make oath to the impartiality of our proceedings therein.

As witness our hands on board his Majesty's ship *Sirius*, in Port Jackson, New South Wales, this 26th day of December, 1789.

JOHN WHITE, Principal Surgeon to the Settlement.
D. CONSIDEN, First Assistant to ditto.
G. B. WORGAN, Surgeon of the *Sirius*.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per Dutch snow *Waaksamheyd*; acknowledged by Secretary Stephens, 29th June, 1792.)

Sir, Sydney, New South Wales, 26 March, 1791.

Loss of papers
of the *Sirius*.

The following books and papers relative to my accounts for his Majesty's ship *Sirius*, under my command, having been lost when the said ship was wrecked, I am to request you will represent to my Lords Commissioners of the Admiralty, that the usual dispensing order may be granted to enable me to pass my accounts for the said ship since the 25th April, 1788, viz.:—Journals since the 25th October, 1789; boatswains, gunners, and

carpenter's expenses; books, supplies, and returns; ticket and ticket book; all the muster and pay paper, except a few sheets, with the receipt and expence thereof. A. PHILLIP.

1791.
26 March.

GOVERNOR PHILLIP TO THE RIGHT HON. W. W. GRENVILLE.

(Despatch No. 6, per Dutch snow Waaksamheyd; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sir, Sydney, New South Wales, March 26th, 1791.

In my letter of the 14th of July, 1790 (No. 9), I had the honour of giving you my opinion that the corps raised for the service of this country would be competent to every duty for which they might be wanted. But, sir, I did not at that moment pay a proper attention to the number of officers who will compose that corps when the six companies are compleated, one major-commandant, five captains, six lieutenants, and six ensigns,—and as Norfolk Island will require one captain and four subalterns, the number of commissioned officers who will remain in this settlement will not be sufficient to form a general court-martial.

N.S.W. Corps:
insufficiency of
officers.

You will, sir, be pleased to take that circumstance into consideration.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per Dutch snow Waaksamheyd.)

Dear Sir, Sydney, March 26th, 1791.

As I have hitherto sent home an account of those little circumstances which I thought might tend to give any information respecting this country or the natives, I have now, as usual, inclosed an extract from a book in which the occurrences of the day are set down. They are such as may not merit the attention of the Minister, and as they never were intended, so they certainly are not calculated, for the eye of the publick, having been put down in haste, and merely for the information of a friend; and so far from having had time to make any correction, they have been more than once, as they will now be, sent away without my having time to read them over.*

Phillip's
journal.

I am, &c.,

A. PHILLIP.

THE RIGHT HON. HENRY DUNDAS† TO GOVERNOR PHILLIP.

(Despatch No. 1, per transport Pitt; acknowledged by Governor Phillip, 19th March, 1792.)

Sir, Whitehall, 5 July, 1791.

5 July.

Agreeably to the intimation which was made to you by Lord Grenville in his letter, No. 10, of the 19th of February last,

The transport
Pitt.

* Note 17.

† Note 160.

1791.
5 July.

the ship Pitt has been taken up, and will proceed with three hundred and fifty-six male and fifty-six female convicts to Port Jackson the first fair wind.

Selection of
convicts.

In selecting the convicts who compose the present embarkation care has been taken that no persons but such as are likely to be useful in the settlement will now be sent out. It will, I am afraid, be impossible, unless the Pitt should be detained longer than is expected, to furnish you by her with copies of the several Orders of Council for fixing the destination of these people; but, as another vessel will be dispatched to you in the course of the autumn with a further number of convicts, I shall avail myself of that opportunity of forwarding them to you.

A vessel in
frame.

Stores.

You will receive by the Pitt a vessel in frame, which, when set up, will, I have no doubt, be found extremely useful to you; and also a proportion of salted beef and pork for four hundred convicts for twelve months. The supply was confined to these articles on the idea that, with the grain produced in the settlements, the flour already sent from home, the quantity purchased at Batavia, and the supply intended to be forwarded to you from Calcutta, you would not, at least for the present, be in want of flour or rice. I shall, however, before the departure of the next ship, endeavour to form the best opinion I can from your communications of the exact state of the settlement in this respect, and shall then make such preparation as may appear requisite for furnishing you with such further supplies as you may be supposed to stand in need of. The tonnage taken up in stowing away the vessel in frame has prevented your receiving by this opportunity some articles, particularly the clothing for the convicts now embarked, which could not, from the want of room, be taken on board.

Movements of
Dædalus.

The ship Dædalus will proceed in the course of a few days to the north-west coast of America, to receive possession of the several places there which, in consequence of the late convention between his Majesty and the King of Spain, are to be restored. This vessel, after the performance of that service and delivering to Captain Vancouver (employed in surveying the said coast) such stores and provisions as he may be able to take on board, will, agreeably to the intimation made to you by Lord Grenville in his letter before referred to, repair to New South Wales, where she may be expected early in the year 1793, and her commander will then follow your orders, either for going to Calcutta or elsewhere, for the purpose of procuring supplies. It is probable, however, that Captain Vancouver will not be able to take on board so much of the cargo of the Dædalus as may be sufficient

to enable him to execute the orders he has received; if it should so happen, he will apply to you to order the *Dædalus* to rejoin him at the Sandwich Islands during the following winter with the remainder of her cargo; and on receiving such application you will comply therewith, or send some other vessel, which may then be with you, with those supplies, and any others he may stand in need of, which the settlement under your government may, without inconvenience, be able to furnish. Major Grose proceeds in the *Pitt* with one company of his corps; the other will follow in the next ship. The disposition which has in many instances been shown by the convicts to mutiny during the passage appears to render a military guard at all times indispensably necessary.

1791.
5 July.

Major
Grose.

I am, &c.,

HENRY DUNDAS.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 1, per *H. M. ship Supply*; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sydney, New South Wales,

November 5th, 1791.

My Lord,

5 Nov.

Despatches.

By the *Mary Ann* transport, which arrived here the 9th of July, I had the honor of receiving your Lordship's letter, marked No. 10, in triplicate, and dated the 19th of February, with inclosures numbered from 1 to 22. The letter marked No. 7, and dated the 13th of November, 1790, with the commission for remitting the whole or any part of the time for which felons or other offenders may be sentenced, and No. 8, dated the 15th of the same month, with the royal instructions on that head, and the warrant for using the seal of this territory, were received with the seal by his Majesty's ship *Gorgon* the 22nd of September.

No. 9, dated the 16th of November, 1790, containing an inclosure, specifying the quantity and quality of the stores sent out, the circular letter, with his Majesty's most gracious speech, and your Lordship's separate letter of the 19th of February, 1791, were received by the *Albemarle* the 13th of October. All the transports were arrived by the 16th, as mentioned in the inclosed list.

The system to be adopted of sending out the convicts in two embarkations in the course of each year, as mentioned by your Lordship,* must be attended with many advantages to the colony; and from the reports made by the masters of the different ships I have reason to hope that a whale fishery may be established on this coast. The master of the *Britannia* has assured me that he saw more spermaceti whales between the South Cape

Systematic
transportation.

Whale fishery.

* Note 161.

1791.
5 Nov.

and this harbour than he saw on the Brazil coast in six years; and three of the whalers are now on the coast. Probably one or more of them may return before my dispatches are closed, which may enable me to give your Lordship further information on this subject.

Norfolk Island
prospects.

With respect to the supplies of wheat and other grain which it was supposed this settlement might have received from Norfolk Island, your Lordship will observe from the numbers sent there during Lieutenant-Governor King's absence, that what he calculated as likely to be sent off the island will now be consumed by its inhabitants; and although I am sensible that great inconvenience attends having so many people on that island while no punishment can be inflicted beyond what a magistrate may feel himself authorised to direct (a circumstance which I presume will be taken into consideration), still I think the numbers sent will be for the general good. The sooner the whole island is in cultivation the better; as great a number of people as that spot can support will undoubtedly be supported much better there than they could be if they remained here and drew their support from thence, which could only be done at an expense and risque; and at Norfolk Island the labour of the convicts is most to the advantage of the colony, for there the soil makes the best return.

Reasons for
sending the
Atlantic to
Calcutta.

In proceeding with my answer to your Lordship's letter, which mentions the resources of this settlement, I am led to assign a reason for having sent the Atlantic to Calcutta, in order to procure a supply of flour and pease, as my letter of the 17th of July, 1790, No. 10, gives reason to suppose two years from that period would put the colony in such a state that a further supply of flour would not be necessary, if no unforeseen accident happened. Our crops of last year greatly failed us from a long drought, very little rain falling from the beginning of July, 1790, to August, 1791; and the crops now in the ground, although they promise to be much better than we had reason to expect, have suffered very much from the seed having lain so long in the ground before it vegetated. The great want of a proper person to be charged with the cultivation of the ground has been mentioned in my former letters, and from the consequence the person sent out for that purpose will be of to this colony, I am induced to trespass on your Lordship's patience by repeating what has been already observed in former letters. That it will require not only the good practical farmer, but a man who is calculated for the situation in which he will be placed; he will have to direct the labour of a great body of convicts, at present about fifteen hundred (very few

of whom will feel themselves any ways interested in the success of their labours, or who will ever do more, or better, than what they find absolutely necessary to avoid punishment from the overseers under whose eyes they work; and very few of those overseers will be found men on whom much dependance can be placed); he will be charged with the grain and pulse to be raised for the support of several thousand people, and with all the public live stock, from which, nor from enforcing the labour of the convicts, is he to find any private advantage. I shall be pardoned for this digression. When the provisions brought out with the convicts, and what has been received of the Guardian's cargo, and the surplus of the Gorgon's provisions, were added to what we have in the colony, it only gave us five months' flour, ten months' beef and pork, twelve days' pease, and twenty-three days' oatmeal, for the colony, reckoning from the 12th day of October; I therefore thought it prudent to take the Atlantic transport into his Majesty's employ, and send her under the direction of Lieutenant Richard Bowen (who came out in that ship as naval agent) to Calcutta, in order to purchase flour and pease for the use of the colony. His orders and instructions are inclosed.

1791.
5 Nov.

I see by your Lordship's letter that it was thought the snow* which brought the provisions from Batavia, and which has been hired to carry home the officers and men after the loss of the Sirius, would be purchased; but she was not calculated for the service of this colony, nor could I have found officers to put in her had she been purchased.

Purchase of
Dutch vessel.

The transport mentioned by your Lordship, as to be expected from the north-west coast of America† shall be employed as directed; but I much fear some bad consequences may attend employing such vessels for any length of time in this country, where there are several hundred men, many of whom are seamen, who would at any hour risque their lives, if they saw the least probability of escaping. Two boats have been carried away; and as there is a probability that one of those boats may get to a Dutch settlement, the names and descriptions of the people are inclosed.‡ The getting back any of those men is much to be desired.

Vessels required.

Escapees.

As boats capable of going along the coast, and which I should gladly have employed, have been laid up for many months, and my only security in going betwixt Sydney and Parramatta, before the Gorgon's arrival, depended on the boat I used being unfit to go out of the harbour, your Lordship will judge if a ship, with only one King's officer on board, can be under that discipline which a ship should be under that is to be employed on this

Men-of-war
necessary.

* Note 146. † Note 162. ‡ Note 163.

1791.
5 Nov.

station. The colony should never be without two ships; and I feel it my duty to say that I think no ships can with safety be employed on this station unless they are King's ships, that is, ships having commission, warrant, and petty officers on board them; and I think that more than one commissioned officer should be on board such ship.

Problem *re*
expirees.

Of those convicts whose sentences are expired, some who are seamen or carpenters will be carried away by the transports; but by far the greatest part of those people must remain, discontented and desirous of seizing the first opportunity which offers of escaping. Amongst the many great advantages which would attend settlers coming out who had some property of their own, their finding employment for this class of people would be one, for such settlers would separate them from the convicts, which cannot well be done while they are employed by the Crown, and probably most of them would soon be reconciled to remain in the country.

Of the convicts whose terms of transportation are expired, or who, from their very meritorious behaviour, have been emancipated, there is one whose time is expired, and whom, in consideration of his remaining here a few months longer, I have promised to send home by the next ships. He is the only carpenter at this place who is capable of acting as a master carpenter, and while he remains here I have promised to allow him one shilling per diem.

Master
carpenter.

The master carpenter, who is mentioned in my letter No. 4,* is to return to Norfolk Island, where stores and other buildings are wanted.

Emancipations.

The first convict who was emancipated† has been bred to surgery, and merited from his exemplary conduct what has been done for him; he acts as an assistant to the surgeons, who find him a very useful man. He is inclined to remain in the country. For him some allowance will be necessary, and for which he was recommended when the inconveniences which the superintendents and others laboured under, from there not being any money in the colony, was represented to your Lordship.

The second convict who was emancipated had well earned his emancipation by his good conduct, and the pains he had taken to teach others the business of a bricklayer; this man has likewise my promise to be sent home before I leave the country; and as he continues to carry on the public works with great diligence will expect some little allowance. The time for which he was sentenced will be expired before he returns to England.

The third convict was emancipated on the recommendation of the Lieutenant-Governor, for extinguishing the fire on board

the Sirius after that ship went on shore. This man went to Calcutta in the Atlantic, and it now appears that his term of transportation had expired prior to his emancipation.

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One woman has been emancipated on her marrying a superintendent.

The distinction directed to be made with regard to those convicts who have behaved well before they became settlers has been attended to; and I hope the necessity there has been of deviating from the royal instructions respecting settlers will appear to have been sufficient to justify what I have done on that head. My letter to Mr. Nepean undoubtedly gave little reason to suppose that many of the marines would be inclined to remain when the relief took place, and the opinion I formed when that letter was written was drawn from the great anxiety so many expressed of quitting a country which was said to be incapable of furnishing even the common necessities of life; the people who were to become settlers were men who had not been in the habit of judging for themselves, and the fears and apprehensions of some to whom they had been accustomed to look up with respect, had their effect, and there was some difficulty in persuading any man on whose judgment some dependence might be placed to think for himself; but I have now the pleasure of informing your Lordship that most of those fears and apprehensions are done away, and that we have now eighty-six* settlers here and at Norfolk Island—that is, thirty-one from the marines, eleven seamen, and forty-four from those convicts whose sentences have expired; there are, likewise, more marines who have desired to be received as settlers when the detachment is to be embarked. No man of bad character has been received as a settler.

Settlers.

The first settler was a convict whose time being expired, an hut was built, and one acre and an half of ground cleared for him at Parramatta; he entered on his farm of thirty acres the 21st of November, 1789, and was supported from the public store until the 25th of February, 1791, when he declined receiving any further support, being then able to maintain himself. He has since married, and has a child, both of whom he wishes to take off the public store next Christmas.†

James Ruse.

A superintendent‡ who was sent out in the Guardian has likewise become a settler; he was not calculated for the employment for which he came out, but as a settler will be a useful man. His salary as a superintendent is to cease from the first quarter-day after he became a settler, and which he did the 30th day of March, 1791. All these people are doing well, and I hope will be able to maintain themselves when the time expired for which they are to

Phillip Schaffer.

* Note 165. † Note 136. ‡ Note 166.

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5 Nov.

Return of
settlers.

Conditions of
settling.

be supported from the public stores. The times on which the settlers entered on their lands, the conditions, &c., are mentioned in the inclosed return; and as we are at some loss respecting the form of grants, I write to Mr. Nepean on the subject.

It was my intention not to receive any settlers after the marines and seamen late of his Majesty's ship *Sirius* had been received but according to the instructions, which pointed out the maintaining such settler from the public store for twelve months only; *but* had I adhered to that determination, I must have given up all thoughts of procuring any settlers from the detachment; and any convict who might have been admitted as a settler to be supported by the Crown for one year only would have passed that year under the apprehensions of not being able to support himself at the expiration of that time, and would probably have been induced to have given up his ground before half the year was expired.

The placing the settlers with allotments of land for the Crown betwixt every two settlers was done; but being, in consequence of that disposition, surrounded with timber, out of sight and out of hearing of each other, they were exposed to a tribe of natives, who, living in the woods, and seldom coming on the sea-coast, have never mixed with us, and always have been hostile; by these people the settlers were several times alarmed, and as they were single men, or at most a man and woman, in the little hut they had reared, I found it necessary to let subsequent settlers occupy all the ground which had been set apart for the Crown. The Royal Instructions respecting the division of land may be carried into execution when large allotments of land are made, and several men are to be employed in the cultivation; but when the allotments are small, and occupied by only one person, independent of the risque the settler runs from the natives, many inconveniences attend that disposition; they cannot so readily assist each other in moving heavy timber; the labour of fencing in their grounds is greatly increased, and every man is obliged to watch his own grain, on which, from being surrounded with a wood, depredations are more likely to escape detection. I have directed Lieutenant-Governor King not to promise in future more than ten acres of land at Norfolk Island (until instructions are received on that head) to any convict who is to be admitted as a settler, and none are to be received as settlers on the island but for very meritorious behaviour.

Here your Lordship will permit me once more to observe how much we stand in need of a few honest, intelligent settlers. The

Superior settlers
required.

vicious and the idle are not easily reformed while they are incorporated in one body. Precept has little effect, but example will do much, and although I can still say with great truth and equal satisfaction that the convicts in general behave better than ever could be expected, and that their crimes, with very few exceptions, have been confined to the procuring for themselves the common necessities of life, crimes which it may be presumed will not be committed when a more plentiful ration renders those little robberies unnecessary; still we shall want some good characters to whom these people might look up. Having them will be attended with every advantage, and it is to be remembered that the business of cultivation is at present in the hands of few who ever turned their thoughts that way before they came to this country, and very few indeed have more than a very superficial knowledge in agriculture.

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The opinion of his Majesty's Attorney and Solicitor General* has been made public.

Counsels' opinion.

His Majesty's ship *Gorgon* arrived the 21st of September, and Captain Parker, having represented to me that the ship required repairs which would take some time, and the *Atlantic*, already mentioned to your Lordship as being taken into the service in order to bring a further supply of provisions from Calcutta, being ready to sail, the 26th of October, with provisions and stores for Norfolk Island, Lieutenant-Governor King went on board that ship, and took with him Captain Paterson, who will have one company for the service of the island.

Shipping.

Lieut.-Governor King.

For the notice which has been taken of Mr. King's services, and the part your Lordship had in procuring him the rank he now holds in his Majesty's navy, I feel myself much obliged, and from the knowledge I have of that officer, am confident that his future conduct will merit the honor he has received.

It had been necessary to send two of the transports to Norfolk Island with convicts, stores, and provisions before his Majesty's ship *Gorgon* arrived. In my letters to Mr. Nepean the inconveniences attending the masters of those ships not being informed that it might be necessary for some of them to deliver their cargo at Norfolk Island will be pointed out.

Convicts and stores for Norfolk Island.

The *Gorgon*, notwithstanding the assistance given by the shipwrights belonging to the colony, which could be spared from the Supply, armed tender, not being likely to be ready for sea before the beginning of December, the *Queen*, transport, which sailed from hence the 2nd instant with stores and part of a company of

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5 Nov.

The marine
corps.

Convicts in
the Third Fleet.

the New South Wales Corps, was ordered to receive Major Ross, with the officers and men under his command. They may be expected to arrive here by the time the Gorgon will be ready to sail, and which will enable that ship to sail for Europe some weeks sooner than if she had gone to Norfolk Island.

Of the convicts mentioned by your Lordship to be sent out, 1,695 males and 168 females have been landed, with six free women and ten children. It appears by the returns from the Transports that 194 males, 4 females, and 1 child died on the passage; and, although the convicts landed from these ships were not so sickly as those brought out last year, the greatest part of them are so emaciated, so worn away by long confinement, or want of food, or from both these causes, that it will be long before they recover their strength, and which many of them never will recover. Your Lordship will readily conceive that this addition to our numbers will for many months be a deadweight on the stores. The surgeon's returns of this day are: "Under medical treatment and incapable of labour, 626—576 of whom are those landed from the last ships."

Enclosures.

The examination of the master and mate of the Queen, transport, having been referred to me by the magistrates who took it, I have the honor of transmitting an attested copy to your Lordship, for I doubt if I have the power of inflicting a punishment adequate to the crime.

The Commissary's return, which is inclosed, will show the few articles received from the Cape of Good Hope, and which are the last of the Guardian's cargo. I should have hoped that iron pots, and many articles of husbandry, would have been saved, and of which the colony stands in great need, but nothing of that kind has been received. The iron pots in the colony before the last 1,800 convicts were landed amounted to no more than what were barely sufficient, and none came with those people.

The Commissary is directed to make a return of those articles most wanted in the colony.

A return of the quantity of land in cultivation at Parramatta is enclosed. The town, which I have named Parramatta, extends from the foot of Rose Hill for one mile to the eastward along the creek, and I have named it Parramatta, that being the name given by the natives to the spot on which the town is situated.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

RETURN of the Transports which arrived in New South Wales, between the 9th of July, and the 16th of October, 1791.

Ship's Name and Time of Arrival at Port Jackson.	Convicts Landed.	Soldiers Landed.	Cleared of the Stores and Provisions.	
Mary Anne, 9th July, 1791	11 July .....	.....	15 July	Received the Matilda's cargo with 99 male convicts, and sailed for Norfolk Island the 8th of August, having on board 133 male convicts, one female do., and two children, this ship returned to Sydney, the 8th of September. The convicts victualled by the Commissary.
Matilda, 1 August, 1791	2 August	5 August	7 August	Taken up as a Naval Transport ye, 15th October, 1791, and sailed the 26th of October for Norfolk island and Calcutta.
Athantic, 20 August, 1791	22 August	23 August	30 August	Received her orders for proceeding to Norfolk island the 27th of August, but did not sail till the 4th of September, having been obliged to land a part of her cargo to stow her hold afresh. Returned from Norfolk island the 17th of October, but was discharged at Norfolk island as appears by the Lieutenant-Governor's certificate given to the Master.
Salamander, 21 August, 1791	23 August	27 August	At Norfolk Island part of her cargo landed here ye, 28th August.	And taken up again the 19th to carry the Actives cargo to Norfolk Island, and to return with the detachment of Marines.
Queen, 26 Sept., 1791	Between the 27th of September and 1st of October.	2 October	14 October	
Active, 26 Sept., 1791	Between the 27th of September and 1st of October.	2 October	7 October	
Albemarle, 13 Oct., 1791	Between the 13th and 17th of October.	21 October	26 October	
Brittania, 14 Oct., 1791	15 October	15 October	19 October	
Adml. Barrington, 16 Oct., 1791	Between the 16th and 19th of October.	21 October	21 October	

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Shipping.

1791.
5 Nov.

[Enclosure No. 2.]

By His Excellency Arthur Phillip Esqr. Captain General and Governor-in-Chief in and over His Majesty's Territory of New South Wales and its Dependencies, etc., etc.

It having been found necessary to take the Ship Atlantic into Government employ for the Service of this Colony, and to continue you in the Appointment you received from the Commissioners of His Majesty's Navy, as Agent.

You are hereby required and directed to go on board the said ship Atlantic, whereof Archibald Armstrong is Master, and take upon you the charge and authority of Naval Agent, according to the Custom of the Service; strictly complying with the Instructions you have already received from the Navy board as Agent for Transports, as far as the Nature of the Service on which you are to be employed admits. Obeying all such orders and directions as you shall from time to time receive from Me or from the Lieutenant Governor of this Territory in my absence.

For which this shall be your order.

Given under my Hand at Government house at Sydney,
Port Jackson, this seventeenth Day of October 1791.

A. PHILLIP.

To Lieutenant Richard Bowen hereby appointed Naval Agent
for the Atlantic Transport.

By Command of His Excellency,

DAVID COLLINS, Secretary.

[Enclosure No. 3.]

GOVERNOR PHILLIP'S INSTRUCTIONS TO LIEUTENANT BOWEN.

By His Excellency Arthur Phillip Esqr. Captain-General and Governor-in-Chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c., &c., &c.

You are hereby required and directed to order the Master of the Atlantic, Transport, which Ship is under your direction as Naval Agent, to receive on board the Lieutenant-Governor of Norfolk Island with such Officers, Soldiers and others, who are ordered to embark for the Island, as likewise such stores and Provisions as His Majesty's Commissary at this Port has been directed to put on board; and with which you are to proceed to Norfolk, where having disembarked the Lieutenant-Governor and others with the stores and provisions; you are immediately to proceed without loss of time to Calcutta, and on your arrival after having Communicated the orders you are under to the Right Honorable the

Phillip's
instructions
to Bowen.

Governor-General of India, or in case of his absence to the Officer who commands His Majesty's forces at that Settlement; you are to apply to Messrs. Lambert, Ross and Biddulph to furnish you with as much Flour and Pease as can be received on board the Atlantic, in the proportion of Two tons of Flour to one Ton of Pease; taking care that those articles are of a good quality and procured at the most reasonable prices, giving bills on the Right Honorable the Lords Commissioners of His Majesty's Treasury at the usual rates of ninety days after sight, for what you purchase. But you are not to purchase any article the price of which shall not be certified by the Commanding Officer of His Majesty's forces then at the Settlement, or by some Person regularly authorised by him to sign such certificate, and which Certificate is to be sent home with the other Vouchers for the expence incurred.

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5 Nov.
Phillip's
instructions
to Bowen.

You are to cause the Master of the Ship to sign Bills of Lading for all such articles as are put on board on the account of Government, and you are to be particularly carefull that the Ship is properly laden and that such part of the Ship only is taken up by the Stowage of Provisions and Stores belonging to the Ship as is customary for the Navy Board to allow for that purpose in transports hired for carrying of Naval Stores.

After having received on board those articles which you are hereby ordered to procure for this Colony, and in doing which you are to use the utmost expedition, you are to return without further loss of time to this Port. For which this shall be your order.

Given at Government House, this 25th day of October, 1791.

A. PHILLIP.

To Lieut. Richard Bowen,

Naval Agent for the Atlantic Store Ship.

By Command of His Excellency.

D. COLLINS.

[Enclosure No. 4.]

[*A copy of the Return of Escapees has not yet been found.*]

[Enclosure No. 5.]

ENCOURAGEMENT TO SETTLERS.

THE following is the encouragement given to the settlers named in the list which accompanies this:—

Encouragement
to settlers.

To James Ruse.—One acre and an half of ground, broke up, assisted in clearing the heavy timber off five acres, cloathed and

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Encouragement
to settlers.

supplied with the ration issued from the public store for fifteen months, an hut built, grain for sowing his ground the first year, with the necessary implements of husbandry. Two sow pigs and six hens given him.

Robert Webb and William Reid, to be supported and cloathed from the public stores for eighteen months; to have huts built for them, and to receive the necessary quantity of seed, grain, and implements of husbandry requisite for sowing the ground the first year; two sow pigs, one cock, six hens. The above two settlers likewise were assisted in clearing two acres of ground.

Philip Schaffer, himself and daughter, to be supplied with a daily ration as issued from the public stores for eighteen months; an hut to be built on the premises, two acres of ground to be cleared by cutting down the timber and burning it off the land; to have the labour of four male convicts for eighteen months, during which time they are to be victualled and cloathed from the public store; to receive the necessary tools and implements of husbandry, seed grain for sowing the ground the first year, and two sow pigs.

The marines and seamen who have become settlers on Norfolk Island to be cloathed and victualled for eighteen months, to be supplied with a proportion of grain and a proper assortment of such tools and implements of husbandry as may be necessary for clearing and cultivating the land, as well as with such a proportion of hogs and poultry as may be necessary and can be spared from the general stock of the settlement, not to be less than two breeding sows, one cock and six hens, to have half an acre of ground cleared of timber, and the necessary assistance given for building a hut sufficient to shelter the settler from the weather and secure his property.

The same encouragement will be given to those marines who may become settlers on the embarkation of the detachment for England.

Those convicts whose sentences of transportation expired and have been permitted to become settlers at or near Parramatta, are to be supported and cloathed from the public store for eighteen months, to receive two sow pigs with the necessary implements of husbandry and grain for sowing the ground the first year.

Those who have wives or children are to support them at the expiration of the above eighteen months.

RETURN of Lands Granted in His Majesty's Territory of New South Wales and its Dependencies.

PHILLIP TO GRENVILLE.

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No.	Names of Settlers.	Description.	If Married, &c.	Time of becoming Settlers.	No. of Acres of Land Granted.	Place Where.	Ground in Cultivation.
1	James Ruse	Convict, whose sentence is expired.	Married since taking possession of his land.	1791-30 March	acres. 30	Paramatta	a. r. p. 8 2 0
...	Robert Webb	Seaman, late of His Majesty's Ship Sirius.	Married since the date of the grant.	30 March	60	On the north side of the creek leading to Paramatta.	4 3 0
...	William Reid	do	Unmarried	30 March	60	do do	5 2 0
...	Phillip Schoffer	Sent out as a Superintendent	Widower, with one child	30 March	140	do do	12 0 20
5	Robert Watson	Seaman, late of His Majesty's Ship Sirius.	Unmarried	5 April	60	Norfolk Island	Not known.
...	John Drummond	do	do	5 April	60	do	do
...	James Proctor	do	do	5 April	60	do	do
...	Peter Hibbs	do	do	5 April	60	do	do
...	Owen Cavenaugh	do	do	5 April	60	do	do
10	James Painter	do	do	5 April	60	do	do
...	William Mitchell	do	do	5 April	60	do	do
...	William Hambly	do	do	5 April	60	do	do
...	Charles Heritage	Marine, late of His Majesty's Ship Sirius.	do	5 April	60	do	do
...	Samuel King	do	do	5 April	60	do	do
15	Charles Williams	Convict, whose Sentence is expired.	Married, a Wife and one child.	18 July	30	South side of the Creek leading to Paramatta.	7 1 0
...	James Stuart	do	Unmarried	18 July	20	do do	0 3 0
...	Geo. Lisk	do	do	18 July	30	Four miles to the Westward of Paramatta.	2 0 0
...	William Kilby	do	Married	18 July	50	do do	1 2 9
...	William Butler	do	do	18 July	50	do do	2 0 0
20	John Nichols	do	Unmarried	18 July	30	do do	2 0 5
...	John Ramsey	do	Married	18 July	50	At the Ponds, two miles to the north-east of Paramatta.	2 3 17

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5 Nov.
Return of
lands granted

1791.
5 Nov.
Return of
lands granted.

RETURN of Lands Granted in His Majesty's Territory of New South Wales—continued.

No.	Names of Settlers.	Description.	If Married, &c.	Time of becoming Settlers.	No. of Acres of Land Granted.	Place Where.	Ground in Cultivation.
...	Mathew Everingham	Convict whose Sentence is expired.	Married	1791. 18 July	acres. 50	At the Ponds two miles to the North-east of Parramatta.	a. r. p. 1 2 0
23	John Summers.....	do do	Unmarried	18 July	30	do do	2 0 0
24	John Richards.....	do do	do	18 July	30	do do	1 3 0
5	William Field	do do	Married	18 July	50	do do	2 1 0
...	Joseph Bishop	do do	do	18 July	50	do do	1 0 20
...	Curtis Brand	do do	Unmarried	18 July	30	do do	3 0 0
...	John Silverthorn ...	do do	do	18 July	30	Four miles to the Westward of Parramatta.	1 2 7
...	Thos. Martin	do do	do	18 July	30	do do	1 1 20
30	Samuel Griffiths	do do	do	18 July	30	do do	1 2 0
...	James Castles	do do	do	18 July	30	do do	1 1 0
...	Joseph Morley	do do	Married	18 July	50	do do	0 2 7
...	William Hubbard ...	do do	do	18 July	50	At the Ponds, two miles to the North-east of Parramatta.	2 0 0
...	John Anderson	do do	do	18 July	50	do do	1 3 0
5	William Elliot	do do	Unmarried	18 July	30	do do	1 3 0
...	Joseph Marshall	do do	do	18 July	30	do do	1 0 0
...	Edwd. Varnell	do do	do	18 July	30	do do	0 3 0
...	Simon Burn	do do	Married	17 August	50	At the northern Boundary farms, two miles from Parramatta.	3 2 0
...	John Brown	do do	Married, a Wife and one Child.	17 August	60	do do	1 1 0
10	William Moulds	do do	Unmarried	17 August	30	do do	1 1 0
...	John Baffin	do do	Married	17 August	50	Employed as a Carpenter do	.....
...	John Williams	do do	do	17 August	50	Four miles to the Westward of Parramatta.	2 2 0
...	Edward Pugh	do do	Married, a Wife and two Children.	17 August	70		

No.	Names of Settlers.	Description.	If Married, &c.	Time of becoming Settlers.	No. of Acres of Land Granted.	Place Where.	Ground in Cultivation
...	William Parish.....	Convict whose Sentence is expired.	Married, a Wife and one Child.	1791. 17 August	acres. 60	Four miles to the westward of Paramatta.	a. r. p. 3 0 17
5	William Mitchell	Discharged from the Marines	Unmarried	Not known	60	Norfolk Island.....	Not known
...	Thomas Bramwell	do	do	do	60	do	do
...	Thomas Bishop	do	do	do	60	do	do
48	Jno. McCarthy	do	do	do	60	do	do
49	Lawce, Richards	do	do	do	60	do	do
50	Jno. Munday	do	Married, a Wife and two Children.	do	60	do	do
...	Thos. Chipp	do	Married, a Wife and three Children.	do	60	do	do
...	William Strong	do	Unmarried	do	60	do	do
...	James McManus	do	do	do	60	do	do
...	Thos. O'Brien	do	do	do	60	do	do
55	Richard Knight	do	do	do	60	do	do
...	Abram. Hand	do	do	do	60	do	do
...	William Dempsey	do	do	do	60	do	do
...	Thos. Sculley	do	do	do	60	do	do
...	Jno. Barrisford	do	Married, a Wife and two Children.	do	60	do	do
60	Jans. Redmond	do	Unmarried	do	60	do	do
...	William Tonks	do	do	do	60	do	do
...	Thos. Halfpenny	do	do	do	60	do	do
...	Willm. Standley	do	do	do	60	do	do
...	Jno. Gowen	do	do	do	60	do	do
5	Thos. Dukes	do	do	do	60	do	do
...	James Williams	do	do	do	60	do	do
...	Danl. Standfield	do	Married, a Wife and three Children.	do	60	do	do
...	Jno. Roberts	do	Unmarried	do	60	do	do

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Return of
lands granted.

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Return of
lands granted.

RETURN of Lands Granted in His Majesty's Territory of New South Wales—*continued.*

No.	Names of Settlers.	Description.	If Married, &c.	Time of becoming Settlers.	No. of Acres of Land Granted.	Place Where.	Ground in Cultivation.
70	Willm. Summs.....	Discharged from the Marines	Unmarried	Not known	60	Norfolk Island.....	a. r. p. Not known
71	Jno. Foley	do	do	do	60	do	do
72	Patt. Connell	do	do	do	60	do	do
73	Jno. Redman	do	do	do	60	do	do
74	Thos. Spencer	do	do	do	60	do	do
75	Jno. Scott	Seaman, late of His Majesty's Armed Tender Supply.	Married	do	60	do	do
5	Robt. Forrester	Convict, whose sentence is expired.	do	do	10	do	do
6	Jams. White	do	Unmarried	do	10	do	do
7	Willm. Cross	do	Married	do	10	do	do
8	Jams. Walbourne	do	do	do	10	do	do
9	Benjamin Fentum	do	Unmarried	do	10	do	do
80	Peter Woodcock	do	do	do	10	do	do
81	Edward Kimberley	do	do	do	10	do	do
82	John Welsh	do	do	do	10	do	do
83	William Bell	do	Married	do	10	do	do
84	John Turner	do	Unmarried	do	10	do	do
85	Thos. Kelley	do	do	do	30	do	do
86	William Parr	do	Married	do	50	At the Ponds, two miles to the North-east of Parramatta.	1 2 0
87	Jno. Herbert	do	do	do	60	At the Boundary farms, two miles from Parra- matta. Four miles to the West- ward of Parramatta.	3 2 0 0 3 0

[Enclosure No. 6.]

EXAMINATION OF THE MASTER AND SECOND MATE OF THE QUEEN,
TRANSPORT.

Sydney, 17th October, 1791.

At a meeting of four of his Majesty's Justices of the Peace, &c.

Present:—

David Collins, Esq.,

Augustus Alt, Esq.,

Reverd. Richard Johnson,

John Creswell, Esq.

1791.
5 Nov.

Examination of
officers of the
transport
Queen.

Richard Owen, master of the transport, &c., Robert Stott, second mate of the Queen, transport, were summoned to attend on a complaint made by the convicts who came out in the said transport of not having received the ration of provisions that was directed by contract to be furnished them during the passage.

And the said Richard Owen and Robert Stott attending accordingly,—

Minutes of the complaints made by the convicts on board of the Queen, transport, were read.

William Cummings, ensign of the New South Wales Corps, being sworn, deposed, that about a fortnight or three weeks before they made this harbour, on a dispute arising between the master and the second mate, the second mate came up to this deponent and openly on the deck told him that he had defrauded the convicts against his conscience, but had he taken the whole he could not give Captain Owen satisfaction; at the same time he abused Lieutenant Blow, the naval agent on board, and said he would not believe but what he was privy to it, and he was an old rascal, and he would tell him so. This deponent further says that his berth was adjoining to the steward-room, and thro' a crevice he saw the second mate, when serving provisions to a convict, instead of five-pounds weight, which he should have used, put in a four-pounds weight; and after weighing the flour, he further saw him put his hand into the scale and take out one or two handfuls of flour; he then emptied the remainder into the convict's bag. A convict of the name of Martin was attending at this time to assist the mate in weighing the provisions. On a complaint from the convicts of the shortness of their flour, Lieutenant Blow ordered the bags of flour which they had received to be brought up and weighed; these bags had been delivered by the mate to the people, and had been taken down below, all but one bag, which, on being weighed, instead of five pounds (exclusive of the bag), did not weigh more than four; all the other bags did not weigh more than four pounds, some not more than three pounds and an half; all which bags should have contained five pounds of flour.

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This deponent further says that the declaration stated by him to have been made by the second mate, just before they came in, was repeated by him a few days afterwards, and that he thinks the business he observed in the steward-room was a day or two after this declaration. He further deposes that he did not mention what he saw in the steward-room to any person. The convicts frequently made complaints to him of the shortness of their provisions, that he always told them to go to the naval agent and complain, and their answer generally was that it was of no use—they got no redress. That he one evening in particular went to Lieutenant Blow, and told him that the convicts complained to him of the shortness of their provisions, and received for answer, “My dear fellow, what can I do?” or words to that effect. Mr. Blow was at this time ill, and had been confined to his bed. This was before the declaration made by the mate. He once proposed to Lieutenant Blow, as the convicts grumbled, to send a soldier that he could confide in, to see the provisions weighed, but it was not consented to; this was while the transport was lying in the Cove of Cork.

Question from the mate:—Do you know of any quarrel between me and Captain Owen?

Answer:—I heard you say that there had been a dispute between you.

Andrew Burn, labourer, being sworn, deposed, that he came out in the Queen, transport, and that the convicts having complained of the shortness of their provisions, Lieutenant Blow directed them to select one or two from amongst themselves, to attend at the scale, and that he was one. That accordingly he attended from the Sunday untill the Wednesday following; on Wednesday morning he went up with the bags to see the provisions weighed, and while he waited for the second mate coming to the steward-room Captain Owen came up, and calling for a horse-whip gave him a severe horsewhipping, and told him he would teach him to be an overseer again—it was a pretty thing for a thief and a robber to watch honest men. During the time he did attend at the steward-room, he noticed that the scale was suspended by a cord from the deck, and that the mate would, on the bread being put into the scale, hold the beam in his hand, and prevent the scale from swinging. That he told this to his comrades below, and that if they would complain to the agent he would tell the truth. That John Martin assisted the mate at this time, and that he did not live with the prisoners, but amongst the seamen. That on speaking to Martin, he told him not to come there again, but to get someone else, or else he would be sorry for it.

Lieutenant Blow, naval agent, being sworn, deposes, that being applied to by Captain Owen for assistance at the time of serving out the provisions, he told the convicts to choose a man from amongst themselves, as the soldiers had one of their class to attend for them; accordingly they fixed on John Martin, and he ordered him to attend Mr. Stott, to see the provisions weighed, and to see justice done. A memorandum of the ration to be issued was given him, and another was stuck up amongst the people.

John Martin, labourer, being sworn, deposes, that he came out from Ireland in the Queen, transport; that soon after they sailed from Cork he was ordered by Lieutenant Blow to assist the steward in serving out the provisions; does not recollect being told to see justice done to them. He was told what was the ration to be issued, and knew it—that bread was issued five days in the week. Flour at first was served twice a week, but latterly, on the butter being expended, it was served three times. The convicts used to collect their bags for their flour and bread, and deliver them at the steward-room. In general, Mr. Stott and he issued the provisions by themselves. A four-pound weight and a two-pound were produced, and deposed to by this witness as the weights by which the provisions were weighed. That he well knew the ration of provisions which ought to have been issued, and upon the oath he has taken is certain the full ration was not issued. That on the days they were allowed four pounds of flour there were scarcely three weighed out, and on the days they were allowed five they scarcely received four. That the mate told him instead of the five-pounds weight to put in the four-pounds weight, and when he should have weighed with the four-pounds weight he told him to put in a two-pounds and one-pound weight. He never remonstrated on this with the mate for fear of losing his place; the mate used to let him have what flour he wanted, without fixing him at a ration. That the beam of the scales always had fair play when he held it, but he has seen bread put in, and the beam stopped, and some of the bread taken out, so much that had the beam been left to play the scale with the weight would have been the heaviest. That within a day or two of their arrival a better ration was issued. He has seen the mate himself often when the flour was weighed (four pounds instead of five, or three pounds instead of four) put his hand into the scale and take some out, and he has been told by the mate to do it. That he has conversed with the cook about the shortness of the salt provisions, and has known only six- or eight-and-thirty pounds to be weighed instead of nearly four score. He further deposes that the day they left False Bay he was locked up by Mr.

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Stott in the steward-room for the purpose of scraping the leaden weights; that he did scrape them, and told him there was too much off, but he made him scrape them again. That Mr. Stott always kept the weights clean, and never suffered any grease or dirt to be about them. That the mate, when he proposed this to him, told him that he could not afford to give the allowance that he was giving to some people, and he must find some way to bring it up, and told him to scrape the weights.

John Turner, labourer, being sworn, deposes, that he came out in the Queen, transport; that he acted as cook's mate on board; that he attended the weighing of provisions, and frequently saw the bread and flour weighed; that he has seen Mr. Stott take some of the bread off and throw it back again. That the cook has told him that the beef and pork were not full weight. He has often taken his mess upon deck and shewed it to the chief mate, and has been told it should be better the next day. That having the liberty of the deck, he once went into the steward-room for his allowance of flour, and saw Martin weighing him four pounds instead of six, which he pointed out, and Martin put the two-pounds weight in, and he got his six pounds; but all the other bags had only four pounds. Mr. Stott was present. They frequently complained to Mr. Cummings, but were afraid of punishment if they complained to anyone else; they often spoke to Martin, but he always denied knowing anything of any wrong.

Adjourned untill to-morrow morning, 10 o'clock.

Tuesday Morning, 18th October, 1791.

10 o'clock.

THE Justices being met pursuant to adjournment, Richard Owen, the master of the Queen, transport, and Robert Stott, the mate of the said ship, attending.

Hugh M'Ginnis, labourer, being sworn, deposes that he came out in the Queen, transport; that he well knew what was the ration directed to be issued to the convicts on board, as a written paper containing it was fixed up below in the ship. That he two or three times perceived that the ration which he received was much short of what it ought to have been; that he has been sent down by the cook to hand up the beef as it was weighed out by the mate Stott, and that he handed up only sixty weight of beef, instead of one hundred and thirty-two pounds; no more beef was served up that day, and the cook has frequently been at a loss to know how to divide the meat into the different messes. That in general the meat was issued in this manner. That he has been in the steward-room when the mate has served out the bread, and has seen him when the scale has been even take two handfuls

away, and put the rest into the bag. That on looking at him one day while doing this, he, the mate, damned his eyes, and abused him for looking at him. That he complained to his fellow-prisoners about these deficiencies. That soon after leaving Cork some fish were served out sixty pounds instead of one hundred and twenty pounds.

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John Martin, being again called in and sworn, deposed that Mr. Stott used to serve a pint of rice for two pounds, which was directed as the weekly ration of rice for seven days. Some rice and a pint (ale measure) being produced, this witness measured out the quantity which he and the mate used to weigh for two pounds, and it proved to be only one pound.

Mr. Clark, Deputy-Commissary, attended with the standard weights; and the four-pounds weight belonging to the ship wanted six ounces, and the two-pounds weight wanted not quite three ounces.

James Burn, sail-maker, being sworn, deposed that he came out in the Queen, transport, and that he remembers being told by Martin the day the ship had left False Bay that he had been doing a job for Mr. Stott in the steward-room, and does not remember to have heard or spoken anything about scraping weights.

Captain Owen being called on, said that when the ship left Cork, by his and Mr. Blow's directions, a copy of the ration was given to Mr. Stott, and orders to serve out the provisions by that ration; that his wishes were the provisions should be properly issued, and justice done to both the convicts and the soldiers; that he flogged A. Burn, because he repeatedly told him he had no business down below; that he has often declared publicly it was his wish the ration should be issued according to contract; that he does not know of any quarrel with Mr. Stott, but remembers checking him severely about a cask of wine.

Mr. Stott, mate of the Queen, transport, being called on, said that he received orders from Captain Owen to do justice, and to the best of his knowledge he had done justice to everyone; that he always studied to live quietly, and was liked by everyone on board, and never had a word with either soldier or convict.

James Juda, labourer, being sworn, deposes that he came out in the Queen, transport; that he knew while on board what was the ration that should have been served; that he has noticed that the ration used at times be larger than at others; that he has at times been in the steward-room when provisions were issuing; that he had seen Mr. Stott when the bread has been serving take one or two handfuls from the scale and then put the remainder into the bag without seeing whether it was weight.

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Mr. Stott further says that he used to serve a pint heaped up for two pounds of rice, and used to throw in some afterwards.

James Kelly, cook of the Queen, transport, called by Mr. Stott, being sworn, deposed that he was cook of the Queen, transport, and that he has at times perceived a great deficiency in the shortness of the salt provisions, and has found a difficulty in dividing what he received for each mess.

On a full consideration of the evidence that has been laid before us, we are of opinion that the ration of provisions directed by the contract entered into between the principal officers and Commissioners of his Majesty's Navy and Messieurs Camden, Calvert, and King, of London, merchants, to be furnished to the convicts embarked on board the Queen, transport, has not been supplied them. That it does not appear that the proper steps were taken by those who had the means to see the full ration of provisions was served to them on complaints being made of deficiencies.

That from the particular circumstances of the fraud it is impossible for us to determine with any precision what those deficiencies are, so as to enable us either to redress the complainants or punish the defendants. We therefore humbly beg to be permitted to submit the whole to his Excellency the Governor's consideration, with our request that he will be pleased to take such steps as he shall think necessary.

DAVID COLLINS.

AUGUSTUS ALT.

RICHARD JOHNSON.

JNO. CRESWELL.

[Enclosure No. 7.]

[*A copy of the Commissary's Return has not yet been found.*]

[Enclosure No. 8.]

Cultivation at
Parramatta.

Ground in Cultivation at Parramatta, November, 1791.

a.	r.	p.	
351	2	5	In maize.
44	1	8	„ wheat.
6	1	30	„ barley.
1	0	0	„ oats.
2	0	3	„ potatoes.
4	2	0	Not cultivated; but cleared.
4	2	15	Crescent mostly planted with vines.
6	0	0	The Governor's garden partly sowed with maize and wheat.
80	0	0	Garden ground belonging to individuals.
17	0	0	Land in cultivation by the N. S. Wales Corps.
150	0	0	Cleared and to be sowed with turnips.
91	3	2	Ground in cultivation by settlers as per return of settlers.
28	0	0	Ground in cultivation by officers of the civil and military.
134	0	0	Enclosed and the timber thinned for feeding cattle.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 2, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

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Sydney, New South Wales,

7th November, 1791.

My Lord,

In answer to your Lordship's letter, marked No. 9, and dated the 16th of November, 1790, I have the honor to inform your Lordship that his Majesty's pleasure respecting the convicts who returned to the Cape of Good Hope in the Guardian has been made known to those people, and the conditional pardon will be made out for them.* I understand by the words "pardoned on condition of their continuing abroad in such parts as may hereafter be directed by you for the terms specified in their several sentences of transportation," and connected with what follows relative to their being supplied with tools, &c., to mean that they are to remain in the colony.

Convicts on
the Guardian
pardoned.

As Major Grose, with the officers who have remained in England, are much wanted for the service of this country, I hope they will leave England by the time your Lordship mentions; but from the great uncertainty as to the time in which they may arrive, I am induced to detain one company of the marines, and send the rest of the detachment home in the Gorgon, under the command of Major Ross, and which I think more for his Majesty's service than detaining the whole detachment until Major Grose and the officers of the New South Wales Corps arrive. The company which will remain shall be sent home in the Atlantic, when that ship returns from Calcutta, and which will be no additional expence to the Crown, as the ship could not have been hired but on condition of her remaining in the pay of Government until her arrival in England.

The marine
corps.

It was necessary to have three subalterns at Norfolk Island with Captain Paterson,† otherwise he could not have assembled a battalion court-martial, and which leaves of the New South Wales Corps only two captains, one lieutenant, and two ensigns for the duty of this place and Parramatta.

N.S.W. Corps.

The raising a company from the marines to be annexed to the New South Wales Corps was not effected; and I believe it failed from no other cause than the doubt the men had as to receiving any allowance of spirits, and the fear of being obliged to pay for their rations. Had the company been raised, it would have been given to Captain Lieutenant George Johnston. The officers to whom I felt myself at liberty to offer the lieutenantancy declined it, as being old lieutenants in the marines, or wishing to return

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to England on account of their private affairs. No information has ever been received from the Secretary at War respecting the raising of this company, as I had reason to expect from your Lordship's letter numbered 6.*

Officials for
Norfolk Island.

The Deputy-Surveyor† arrived in the Gorgon, and is gone to Norfolk Island. Mr. Zachariah Clark,‡ who your Lordship informs me is appointed Deputy-Commissary, continues to act under the Commissary. I presume his warrant will be sent out, as likewise Mr. Brewer's, as Provost-Marshal, who, I understand, is appointed to that office.

Dodd and
Brodie.

Of those persons recommended to your Lordship for salaries in a former letter, Henry Edward Dodd (charged with the cultivation of the ground at Parramatta), died the 28th of January, 1791; and Walter Broady (who acted as master-smith) went home in the Sirius, to which ship he belonged.

I have, &c.,
A. PHILLIP.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 3, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sydney, New South Wales,
7th November, 1791.

My Lord,

Lieutenant
Dawes censured
by Phillip.

In obedience to his Majesty's pleasure, respecting Lieutenant Dawes, as signified to me in your Lordship's letter, No. 9, a written message was sent to that officer, of which, with his answer and subsequent letter, copies are inclosed.

Whatever reason I had to be displeased with the conduct of Lieutenant Dawes, I was desirous of retaining him in the colony, provided he had seen his error, for although not immediately necessary as an engineer, his services were wanted in surveying and marking out allotments of land for settlers; and having often found that the peculiar situation this colony has been in made it necessary to pass over improprieties which could not otherwise have passed unnoticed, so on this occasion I should gladly have reconciled this officer to a proper sense of his duty; but as he returns to England, and thinks his conduct justifiable, it becomes necessary to inform your Lordship on what grounds I was displeased with Lieutenant Dawes, who, from being an officer of his Majesty's Marine Forces, was not amenable to a general court-martial in this country.

I have, &c.,
A. PHILLIP.

* Note 111. † Note 168. ‡ Note 30.

[Enclosure.]

GOVERNOR PHILLIP TO LIEUTENANT DAWES.

*Copy of the Message delivered to Lieut. Dawes, on Saturday,
the 5th Nov'r, 1791.*

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Lieutenant
Dawes censured
by Phillip.

As it has been his Majesty's pleasure that Lieutenant Dawes should be permitted to remain in this country as an engineer, with the same emoluments as are enjoyed by an officer of the corps of engineers of a similar rank, the Governor is willing to forget the impropriety of Lieut. Dawes's conduct;

In purchasing the convicts' ration contrary to repeated orders on that head;

In the declaration made by Lieut. Dawes respecting the general order of the 13th of last December;

And in his unofficerlike behaviour to the Governor in the presence of Lieut. and Adjutant Long.

If Lieut. Dawes is desirous of remaining in this country, and declares himself convinced of the impropriety of his conduct on the above occasions, and acknowledges it in such a manner as may leave no reason to suppose that anything similar will happen in future.

[Enclosure.]

ANSWER FROM LIEUT. DAWES.

At present I cannot think that I was guilty of any impropriety whatever in purchasing provisions from a convict, as I had no reason whatever to suppose that it was any part of his ration.

Neither in my declaration of the 13th of December, 1790, which I do not by any means wish to have forgotten, nor in what I said to his Excellency in the presence of Lieut. and Adjutant Long; it being an answer which I thought it incumbent on me to make to what his Excellency had been pleased to say to me just before.

These are my present sentiments; but as I wish to act with as much deference and respect as possible to his Excellency's opinion, I would choose to defer giving a final answer until tomorrow, and of course do not wish this to be considered as such.

[Enclosure.]

LIEUTENANT DAWES TO GOVERNOR PHILLIP.

Sir, Marine Quarters, Sydney, 6th November, 1791.

In compliance with my assurance of yesterday, in answer to your message by Captain Collins, I now beg leave to state fully to your Excellency my sentiments on the occasion.

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Lieutenant
Dawes censured
by Phillip.

I confess it does not appear to me that I was guilty of any impropriety in purchasing provisions from a convict, as I had every reason to suppose it was no part of his ration; it being at that time publicly known to all the officers that he, in his situation of baker to the garrison, gained weekly a very considerable quantity of flour, as the just perquisite of his business, which I therefore presumed became his property, and as such was deemed by every one to be entirely at his own disposal. To this I presume your Excellency alluded in the first part of your message, as I never have bought any other article of a convict's ration from any person of that description whatever.

With regard to my declaration of the 13th December, 1790, I beg leave to state to your Excellency, that after so long a time having elapsed, and repeated reflections on the subject, I feel at this instant no reason to alter the sentiments I then entertained.

In respect to what I said to y'r Excellency in the presence of Lieut. and Adjutant Long, I have to observe that it was far from my intention to express anything, either in word or manner, in any degree improper or disrespectful, I conceived what y'r Excellency had said to me just before amounted to a direct charge of leaving the Observatory without sufficient cause; and I then thought, and still think, it was but justice to myself to deny such charge in terms sufficiently clear and expressive to leave no possibility of misconception.

I confess I was exceedingly pained to find your Excellency entertained such an idea; and from the distress which a discovery of it could not but occasion, it is possible something might have escaped me, which might appear to your Excellency improper or disrespectful; if so, I very readily acknowledge that I am exceedingly sorry for it, but think it necessary again to disclaim any intention of the kind.

I have, &c.,

WILLIAM DAWES, Lieut. of Marines.

[Enclosure.]

COMMENTS BY GOVERNOR PHILLIP.

REPEATED orders had been given to prevent the convicts from selling any part of their ration, but which they continued to do, and carried on that trade with those, who from their situation were not likely to be suspected, consequently detection was not very practicable. Robberies were too frequently the consequence, and it was not possible that it should be otherwise, for every man could eat his ration, and with which very few of those people were satisfied; at the same time they made a practice of joining

together a part of their ration of flour, and giving ten pounds of flour for a bottle of rum, and thirty pounds of flour for a pound of tobacco. This was at a time when the ration was only four pounds of flour for a man for seven days.

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Lieutenant
Dawes censured
by Phillip.

A convict being detected, who, it appeared on his examination before the magistrates, had made a practice of receiving flour and other species of provision from the convicts, and exchanging them for spirits and other articles, he declared that Lieut. Dawes was one with whom he had made such exchanges, having given forty pounds of flour for twenty pounds of sugar to that officer.

It does not appear that Lieut. Dawes could know to whom the flour belonged, as the man of whom the purchase was made (a blacksmith) carried on that trade for a variety of people; nor can the Governor admit that Lieut. Dawes never purchased any other species of provisions, as his Major-Commandant had been some time before desired to point out to him the impropriety of his purchasing pease from convicts.

Extract from the General Orders of the 13th of December, 1790.

“Several tribes of the natives still continuing to throw spears at any man they meet unarmed, by which several have been killed or dangerously wounded, the Governor, in order to deter the natives from such practices in future, has ordered out a party to search for the man who wounded the convict in so dangerous a manner on Friday last, though no offence was offered on his part, and to make a severe example of that tribe. At the same time the Governor strictly forbids (under pain of the severest punishments), any soldier or other person not expressly ordered out for that purpose, ever to fire on any native, except in his own defence, or to molest him in any shape, or to take away any spears or other articles which they may find belonging to those people. The natives will be made severe examples of whenever any man is wounded by them, but that will be done in a manner which may satisfy them that it is a punishment inflicted on them for their own bad behaviour; and of which they cannot be made sensible if they are not treated with kindness while they continue peaceable and quiet.

“A party consisting of 2 captains, 2 subalterns, and 40 privates (with a proper number of non-commissioned officers) from the garrison, with three days’ provisions, &c., to be ready to go out to-morrow morning at daylight, in order to bring in six of those natives who reside near the head of Botany Bay, or if that should be found impracticable, to put that number to death.

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Lieutenant
Dawes censured
by Phillip.

"Every possible attention is to be paid not to injure any women or children; and nothing belonging to the natives is to be brought away, but all their spears and other weapons are to be destroyed and left on the ground."

On this order appearing, Lieut. Dawes, whose tour of duty it was to go out with the party, refused that duty by letter to the senior officer of the detachment (Capt. Campbell), who, finding it impossible to persuade Lieut. Dawes to obey the order, brought the letter to the Governor, who likewise took great pains to point out the consequence of his (Lieut. Dawes) being put under an arrest. Late in the evening Lieut. Dawes informed Capt. Campbell that the Revd. Mr. Johnson thought he might obey the order, and that he was ready to go out with the party, which he did; but after the service was over, informed the Governor that "he was sorry he had been persuaded to comply with the order," and very clearly shewed that he would not obey a similar order in future.

Lieut. Dawes's expressions when Lieut. and Adjutant Long was present were such as would have subjected him to a court-martial had he been amenable to one.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 4, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

8 Nov.

My Lord,

Sydney, November 8th, 1791.

In answering your Lordship's letters, the having been obliged to send some of the transports to Norfolk Island, and to take the Atlantic, transport, into his Majesty's service, for the purpose of procuring flour and pease for the colony, has been mentioned. Some inconveniences having followed the masters of the ships not understanding that they were to land any part of their cargo at Norfolk Island, and which some of them were directed by their owners not to consider themselves as bound to do by their charter-party, it will be pointed out to the Navy Board; and I beg leave to observe, that if some terms could be made with the owners in case a ship should be detained in this country, it might prevent an excessive hire being demanded when they arrive here. The Atlantic was taken up on the best terms that ship could be procured, 15s. 6d. per ton per month; but if the ship is lost before the owner have received information of her destiny being changed, the loss in that case falls on the Crown. The ship is valued at £4,000. Copies of the agreement entered into for the Queen, transport, being paid for going to Norfolk

Charters of
transports.

Island, [as she] is not bound to proceed thither by her charter-party, and for the hire of that ship while employed in bringing Major Ross and the detachment to this settlement, are transmitted to the Navy Board. The expense of the detachment returning in the transport will be small; the ship only to be paid on that account from the time she has landed the stores and provisions she carried to the island until her return to this settlement at the rate of 15s. 6d. per ton per month.

Having pointed out to your Lordship the necessity of sending to Calcutta for provisions, I have to speak of the great quantity of provisions and stores which the transports might have received over and above what they had brought for the colony. Information having been received that the Admiral Barrington, Albermarle, Active, and Queen, transports, had on board a very considerable quantity of copper, lead, iron, and cordage, the masters of those ships were sent for, and they acknowledged having received on board the quantities of copper, &c., specified in a list which the master of the Albermarle delivered, and of which a copy is inclosed.

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Private ship-
ments per
transports.

They say that most of those articles were received on board after they had taken in what stores and provisions Government had to send, that they never declared their ships full, and that it was known they had those articles on board, which were received publicly and intended for a Portuguese settlement in India. They could not, I should suppose, have been put on board unknown to the agent employed by the Navy Board. A copy of the attestation made by the masters of the Admiral Barrington, Active, and Albermarle, whose ships still remain in the harbour, is inclosed.

Your Lordship will readily conceive of how much consequence it would have been to the settlement had two or three hundred tons of limestone been sent out, and which might have been done, if those ships found it necessary to bring so much shingle ballast; for the limestone might with little trouble have been changed for the stone of this country. The inconvenience which would attend unloading the ships will be seen, and without which it is impossible to say what they really have on board; but there is every reason to suppose that the account given in of copper and lead makes but a small part of what they have brought out. Of the cordage no account can be got; the quantity is supposed to be very considerable.

His Majesty's armed tender Supply, after having been under repair from the beginning of June until the middle of September, was then found on a survey to be in so bad a state that she could

Condition of
H.M.S. Supply.

1791.
8 Nov.

not be properly repaired in this country; and that the best repair which we could give would only render her serviceable for six months longer.

I have, therefore, thought it most for his Majesty's service to send her home, for in a few months she would be useless in this country.

The Gorgon.

The Gorgon will, I apprehend, sail early in December, and not any vessel will then remain on this station. My reasons for not detaining the Gorgon will be obvious to your Lordship, and of such ships as appear to me necessary for the service of this colony I have taken the liberty of giving your Lordship an opinion in my letter No. 1.

Minor officials.

A master carpenter,* who was employed as such at Norfolk Island, and who has acted in that capacity in this settlement since the ship's company of his Majesty's late ship *Sirius* were sent home, will, I presume, be put on the establishment and paid as such. A superintendant likewise remains from that ship, to whom I have promised the same salary as is paid to the superintendant sent from England.

The names and employments of those people are in the inclosed list.

The great want of a master carpenter and master bricklayer has been mentioned in my former letters. Those two men who now act in that capacity will shortly leave this settlement. The master carpenter is wanted at Norfolk Island, and the master bricklayer returns to England.

The convict I wished to retain as a master carpenter for a short time, and who has been mentioned to your Lordship, is, I find, received on board the *Admiral Barrington*. The time for which he was sentenced is expired.

Cattle from
the Cape.

Lieutenant-Governor King made returns of the live cattle brought from the Cape of Good Hope. The loss of all the bulls is an unfortunate circumstance, as it may be a considerable time before any can be procured.

Jervis Bay.

It appears from Lieutenant Bowen's journal, who came out as naval agent in the Atlantic, transport, that there is a good harbour on the coast, and which he named Jervis Bay. He makes its latitude to be 35° 6' south. He did not land.

A sketch of the harbour is inclosed.

Returns.

The Commissary's return of provisions, and the state of this colony, with that of the publick live stock, are inclosed.

Parramatta
named.

Having mentioned the town of Parramatta to your Lordship, it may be necessary to observe that I have given that name to

the town which is building at Rose Hill. It extends from the foot of the hill along the banks of the creek, for one mile to the eastward. Parramatta is the name by which the natives distinguish the spot on which the town stands.

I have, &c.,
A. PHILLIP.

1791.
8 Nov.

[Enclosure No. 1.]

[A copy of the Return of private shipments in the transport Albemarle, of the Third Fleet, has not yet been found.]

[Enclosure No. 2.]

DECLARATION OF MASTERS OF TRANSPORTS.

WE the Underwritten Masters of Transports do hereby Certify to His Excellency Governor Phillip that our respective Ships were never reported to the Navy Board (being full) or as deeply loaded as to oblige us to refuse taking in any Stores or Provisions for the use of the Colony; on the contrary did receive at the Cape of Good Hope 270 Tierces of Provisions and could, if it had been required, Received and brought out from England 400 Tons dead weight in our Three Ships without the least inconvenience to ourselves or Government.

A. Barrington	R. MARSH.
Active	JOHN MITCHINSON.
Albemarle	GEO. BOWEN.

[Enclosure No. 3.]

RETURN of Superintendants of Convicts, 16th November, 1791.

Names.	Where and how Employed.
Philip Divine.....	Sydney.
Thomas Clark.....	Has the care of the Convicts employed in Cultivation at Parramatta.
Thomas Daveny...	Ditto.
John Livingston...	Employed as a Master Carpenter.
— Dodge.....	Norfolk Island.
Andrew Hume.....	Ditto.
— Burton.....	Marking out Allotments of Land for Settlers at Parramatta.

[Enclosure No. 4.]

[A copy of the Commissary's Return has not yet been found.]

1791.
8 Nov.

[Enclosure No. 5.]

STATE of the Settlements at Port Jackson and Norfolk Island, the 18th of November, 1791.

Settlements.	His Excellency Governor Phillip.												Lieut.-Governor of the Territory of N.S.W.		Lieut.-Governor of Norfolk Island.		Military.												Civil.											
													Commissioned Officers.	Non-commissioned.	Surgeon.	Chaplain.	Drummers.	Privates.	Women.	Children.	Judge-Advocate.	Commissary.	Principal Surgeon.	Chaplain.	Assistant Surgeon.	Surveyor-General.	Deputy do.	Acting Provost-Martial.	Deputy Commissary.	Storekeeper.	Superintendents.									
Sydney and Parramatta	1	..	..	..	18	31	1	1	1	11	209	37	63	1	1	1	..	1	1	1	..	1	1	1	1	1	1	5									
Norfolk Island	..	..	..	1	7	10	..	..	..	3	76	9	12	..	..	2	..	2	..	..	..	..	2	..	..	1	..	2
On their passage to do. in the Atlantic tran't	..	..	..	..	1	1	2	..	..	2	11	6	10	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..					
do do Queen do	..	..	Queen	do	1	4	..	..	..	..	41	4	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	1	1	1	1	27	47	1	1	1	16	337	56	88	1	1	1	1	1	4	1	1	1	1	1	2	1	7	7												

JNO. PALMER, Commissary.

1791.
8 Nov.

[Enclosure No. 6.]

1791.
8 Nov.

RETURN of Public Live Stock in the Settlement, 10 November, 1791.

Stallion	...	...	1	Ewes	...	...	...	50
Mare	...	...	1	Sows, old and young	...	...	...	14
Colts	...	...	2	Boar	...	...	...	1
Cows	...	...	16	Lambs	...	...	...	6
Calves	...	...	2	Pigs	...	...	...	22
Rams	...	...	1					

GOVERNOR PHILLIP TO THE COMMISSIONERS OF THE NAVY.

(Per H. M. Ship Supply; acknowledged by the Commissioners of the Navy, 17th May, 1792.)

9 Nov.

Gentlemen, Sydney, N. S. Wales, 9th November, 1791.

I have to acknowledge the receipt of your letters, with a copy of the contract made for bringing out the convicts.

Transports of
the Third Fleet

The enclosed will show the time at which the ships arrived, were cleared, &c.

The transport
Queen.

The masters of the Albemarle, Active, and Queen, transports, not thinking themselves bound by their contract to carry any part of the convicts or stores to Norfolk Island, has given much trouble; they grounded their objections on letters which they received from their owners before the ships sailed. You will see the obligation entered into with the master of the Queen, a duplicate of which is enclosed, and I presume, in future, the masters of transports will know that they may have to deliver their cargo at Norfolk Island, and they should likewise know that the ship while delivering her cargo is to be kept in sailing trim.

Landing
difficulties at
Norfolk Island.

Their leaving their cargo here for the purpose of re-stowing their holds is attended with great loss of time and trouble; and as nothing larger than a small beef-cask can be conveniently landed at Norfolk Island, the contractors should make their bales small, and the largest casks or packages should never exceed the size of a hogshead. If the Board will be so good as to give the necessary directions on this head, and likewise order that nearly an equal proportion of the different articles sent out are put on board the different ships, it will save great trouble and loss in packing and re-packing what must be sent to Norfolk Island.

Private ship-
ments on
transports.

Having been informed that there were great quantities of cordage, copper, lead, and iron on board the Albemarle, Active, Admiral Barrington, and Queen, transports, the masters of those ships were sent for, and from the master of the Albemarle an account was received of what they admitted to have been put on board by the owners, which they say was done after Government had sent all the stores and provisions which were intended for the

colony, and that they never had declared their ships full. A copy of the account received from the master of the Albemarle is enclosed, but which can be but a small part of what those ships have brought out; a copy of the masters' declaration as to their having never declared their ships full is likewise enclosed.

1791.
9 Nov.

The great inconvenience attending the want of limestone has been pointed out; and if it was necessary for those ships to bring ballast, limestone might have been put on board, and would have been easily changed for the stone of this country, and which I hope the Board will order to be done on any future occasion.

As all the provisions in the colony, after receiving what those ships brought out and what was landed from the Gorgon, made no more than five months' flour, twelve days' pease, twenty-three days' oatmeal, and ten months' beef and pork, from the 12th day of October last, the Atlantic was taken into Government employ and sent to Calcutta for flour and pease. Of butter or oil the colony has only had accidental supplies for a few weeks for some time.

The Atlantic chartered.

Lieutenant Bowen having been appointed naval agent by your Board, he is continued in that employ.

His Majesty's armed tender Supply, after having been under repairs for some time, was found on survey so very bad that the best repair which could be given that vessel in this country would only render her serviceable for six months longer. She is ordered home, and Mr. Stephen Donovan, midshipman, and John Harris, seaman, will appear lent on her books.

The Supply ordered to England.

The midshipman is sent to Norfolk Island in order to be put on board any ship that may hereafter be sent there with stores or provisions, in order to give the necessary information respecting the tides and the dangers ships have to guard against while delivering their cargo.

Midshipman Donovan.

I am, &c.,

A. PHILLIP.

[Enclosure No. 1.]

[The return respecting the vessels of the Third Fleet is the same as Enclosure No. 1 of despatch No. 1 from Governor Phillip to Lord Grenville, dated 5th November, 1791.]

[Enclosures Nos. 2 and 3.]

[Copies of the contract with the master of the Queen, transport, and of the return as to private shipments on the transport Albemarle have not yet been found.]

[Enclosure No. 4.]

[The declaration of the masters of the transports is the same as Enclosure No. 2 of despatch No. 4 from Governor Phillip to Lord Grenville, dated 8th November, 1791.]

GOVERNOR PHILLIP TO LORD GRENVILLE.

1791.
15 Nov.

(Despatch No. 5, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

My Lord, Sydney, 15th November, 1791.

Augustus Alt.

I have the honour to enclose your Lordship a copy of a letter which I have received from Mr. Alt, the Surveyor of Lands.

The immediate want there is of such an officer in this colony will be obvious; and as Mr. Alt has no other support but what he draws from his appointment, your Lordship will permit me to hope that his case will be taken into consideration when he is superceded.

I have, &c.,
A. PHILLIP.

[Enclosure.]

SURVEYOR-GENERAL ALT* TO GOVERNOR PHILLIP.

Sir, Sydney, New South Wales, 14th November, 1791.

I beg leave to represent to your Excellency that my present state of health is such that through various bodily infirmities I find myself left without any speedy hopes of relief at so advanced a period of life as mine, and feel that I can no longer carry on the duties of a surveyor with that satisfaction to myself which I could desire. I have, therefore, to request your Excellency will state my situation to his Majesty's ministers, and you will be pleased to point out at the same time that in superceding me I trust it may be thought worthy of notice that I have been honoured with his Majesty's commissions since the year 1755, and have always made the service of the Crown my chief object.

I have, &c.,
AUGUSTUS ALT.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Despatch No. 1, per H. M. ship Supply; acknowledged by Secretary Stephens, 20th July, 1792.)

16 Nov.

Sir, Sydney, New South Wales, 16th November, 1791.

By Captain Parker, who arrived here the 21st of September, with his Majesty's ship Gorgon, I received your letter dated the 10th of March, containing such information as the Lords Commissioners of the Admiralty were pleased to direct you to communicate.

You will, sir, please to inform their Lordships that I have great satisfaction in hearing that any part of my conduct has met with their approbation.

That their orders relative to the stores and provisions brought out in the Gorgon, have been complied with.

That his Majesty's armed tender Supply, after having been under repair from the beginning of June until the middle of September, was then found to be in want of a thorough repair, which, in the opinion of the carpenters, could not be given in this country; and as such repairs as could be given, would in their opinion, only enable that vessel to run for six months longer, I thought it [best] for his Majesty's service, to order her to England, as her remaining here could not have been of any service to the colony. A report of the survey is enclosed.

1791.
16 Nov.

Condition of
the Supply.

That it being necessary that there should be some person at Norfolk Island who was acquainted with the set of the tides, and those dangers to which ships are exposed while landing their cargo, I have ordered Mr. Stephen Donovan, midshipman, to be lent from the Supply for that purpose; and as he greatly distinguished himself when the Sirius was lost, and qualified himself for being an officer before he left England, I beg leave to recommend him to their Lordships' notice. He will return to his duty in the Navy, on board the first ship which comes on the station, it being intended that a proper person on the island shall be qualified to act as a pilot. I have likewise found it necessary to detain a seaman, who has the care of the boats employed in landing stores and provisions from the transports, and who also stands as lent on the Supply's books.

Pilot for
Norfolk Island.

I have, sir, also to acquaint you, for their Lordships' information, that the great number of spermaceti whales seen on this coast give reason to hope that a fishery may be established here, and several of those ships intended for the north-west part of America are gone to the southward in search of fish, the master of the *Brittania* having declared that he saw more spermaceti whales between the South Cape and this harbour than he saw in six years on the Brazil coast. Lieut. Bowen, who came out as an agent on board the *Atlantic*, discovered a good harbour in the Latitude of $35^{\circ} 06'$, an eye-draught of which is inclosed, and I apprehend the whalers are now on that part of the coast.

Whale fishery.

Jervis Bay.

Having been obliged to take the *Atlantic* into the service, for the purpose of procuring a supply of provisions from Calcutta, Lieut. Bowen is continued on board that ship as the naval agent, Captain Parker having informed me the *Gorgon* could not be got ready for sea before the latter end of November. That no time might be lost by sending that ship to Norfolk Island for Major Ross, and the officers and men now on the island, they are to return in the *Queen* transport, which went there with stores. I apprehend that the *Gorgon* will be ready for sea, by the time Major Ross arrives.

Shipping.

1791.
16 Nov.
The marine
corps.

That part of the New South Wales Corps which is arrived not being sufficient for the service of the colony, obliges me to detain three officers and forty privates of the marines; the rest of the detachment will be embarked on board the Gorgon, those excepted who are desirous of becoming settlers. The enclosed list contains the names of twenty-nine non-commissioned officers and privates from the marines, and one seaman from the Supply, who are become settlers on Norfolk Island; there are several more marines who have requested to be received as settlers here and at Norfolk Island when the detachment is to embark.

The officers and men of the marine corps who remain will be sent home in the Atlantic when that ship returns from Calcutta, and which will not be attended with any expence, as that ship is by the charter party to be continued in the pay of Government until she arrives in England.

Movements of
the Atlantic.

Lieutenant-Governor King went to Norfolk Island in the Atlantic, and Lieut. Bowen, who commands that ship as naval agent, had orders after having landed what he had on board for that settlement, to proceed immediately for Calcutta. He sailed from hence the 26th of last month.

Ships wanted.

The great inconveniences which may attend the not having a vessel of any kind on this station will be obvious to their Lordships; and it appears to me that the great number of seamen there are amongst the convicts will make the employing any other than King's ships on this station very dangerous. By King's ships, I mean ships having on board commission, warrant, and petty officers.

Timber from
N.S.W.

Specimens of the timber of this country are put on board the Gorgon. The natives so very frequently setting the country on fire, is I apprehend the reason we find so little timber that is sound. It must injure the very young trees which it does not destroy, and so very scarce is the sound timber, which is proper for masts, that there has been some trouble to get the Supply masted.

Lieutenant
Creswell.

First-Lieutenant John Creswell, of the marines, embarks on board the Supply, and is charged with my despatches for their Lordships. It would not be doing him justice to omit saying that as the officer, and as the civil magistrate, in which capacity he has acted here and at Norfolk Island, he has discharged his duty with great propriety.

Returns of the detachment of marines on duty in this settlement are enclosed.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

CARPENTERS' REPORT ON THE STATE OF SHIP SUPPLY.

1791.
16 Nov.

Pursuant to an order from his Excellency Arthur Phillip, Esq., Captain-General and Governor-in-Chief, in and over his Majesty's territory of New South Wales and its dependencies, &c., &c., &c. The condition of the Supply.

We, whose names are hereunder subscribed, have been on board his Majestys' armed tender Supply, and there examined with the greatest attention into the state of the said armed tender as to her present defects, and find as follows, viz. :—

STARBOARD SIDE.—The wing transom at both ends, the deck transom at the end, the fashion-piece at the wing transom, the upper strake of the mainwhale from the fore-chains aft, three strakes under the channel above the wale, two strakes of the paintwork on the quarter, one strake under the fore-channel, five strakes on the bow under the lineing of the anchor, nine timbers in the wake of the fore-chains bow, three timbers in midships, and four timbers in the wake of the main-chains, and the quarter we find rotten and decayed. The ironwork of the fore and main-chains is much corroded with rust, and many of the treenails decayed.

LARBOARD SIDE.—The black strake and two above under the fore-chains, eight timbers in the wake of the fore-chains and on the bow, the upper strake of the wales from the chess-tree aft, three timbers in the wake of the main-channel, and two timbers on the quarter we find rotten and decayed. The ironwork of the main and fore-chains is much corroded with rust and many of the trenails decayed. The larboard cathead and supporter, the windless and bitts, and the waterways and quickwork fore-and-aft, we find also rotten and decayed, the main-deck is nail sick and the edges of the plank so rotten as not to stand caulking. Four of the main-deck beams are decayed at the ends and six of the knees also in the throat.

It is our opinion, from the above stated defects, that the Supply is in the greatest want of a thorough repair which we think cannot be done in this country. We are further of opinion that a slight repair can be given her here, in the course of three months, with what assistance we have at present, to enable her to run six months longer. And we do further declare that we have taken this survey with such care and equity that, if required, we are ready to make oath to the impartiality of our proceedings herein.

Given under our hands on board his Majesty's armed tender Supply in Sydney Cove, Port Jackson, New South Wales, this 24th day of September, 1791.

JOHN BOYDE, carpenter of his Majesty's ship Gorgon.

R. REID, carpenter of his Majesty's armed tender Supply.

1791.
16 Nov.
—
Settlers from
the marines.

[Enclosure No. 2.]

A RETURN of Marines who have desired to be received as Settlers on Norfolk Island, and sailed from Sydney the 26th October, 1791.

Company No.	Names and Quality.	Wives and Children.
51	Daniel Stanfield, corpl.	A wife and three children.
26	William Tonks, private.	
21	Thomas Bishop.	
14	Thomas Dukes.	
23	James Williams.	
21	John McCarthy.	
32	Thomas O'Brien.	
5	William Standley.	
6	Patrick Connell.	
35	Thomas Halfpenny.	
6	Thomas Bramwell.	
41	John Barrisford	A wife and two children.
24	William Strong.	
3	William Mitchell.	
42	Thomas Chipp.	
15	John Redman.	
35	Richard Knight.	
59	James McManus.	
42	John Roberts.	
50	Thomas Spencer.	
18	John Munday	A wife and three children.
21	Lawrence Richards	A wife and two children.
53	Abraham Hand.	
47	William Dempsey.	
8	William Simms.	
47	John Folley.	
38	Thomas Sculley.	
47	John Gower, corporal.	
	John Scott.*	

* Seaman discharged from His Majesty's armed tender Supply.

[Enclosure No. 3.]

[The return of the Marine Corps is similar to the first portion of the enclosure to despatch No. 6 from Governor Phillip to Lord Grenville, dated November 22nd, 1791.]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 1, per H. M. ship Supply.*)

1791.
18 Nov.

Sydney, New South Wales,
18th November, 1791.

Sir,

You will see by my public letter to Lord Grenville that a considerable quantity of copper, lead, &c., has been brought out in the transports, and the reason assigned by the master for its being put on board by the owners. You will, sir, be so good as to give me some information as to the notice which it may be necessary to take hereafter of ships coming out under similar circumstances. The situation we are in with respect to the Vice-Admiralty Court† will be obvious. The Judge, now at Norfolk Island, and about to return to England, the Registrar dead; and not a second person will remain in this colony, after the departure of the Supply and Gorgon, by whom those who have already returned could be replaced.

Private ship-
ments on
transports.

The Vice-
Admiralty
Court.

The form in which grants of land are made out is inclosed, and which probably may not be so regular as could be wished. The necessary information on this head, will, I hope, be sent out, and the wax used with the seal on those occasions. No person is appointed by whom the grants of land can be registered.‡

Form for
land grants.

The necessity of informing the masters of the transports that they may have their cargo to deliver at Norfolk Island has been pointed out to the Navy Board; and the still greater necessity of some steps being taken to prevent those ships from carrying away carpenters and other artificers, who, if not tempted by the masters, might be satisfied to remain in the colony, after the time for which they have been sentenced is expired. Some of those ships do not bring out the number of seamen they ought to do by their charter-party, depending on procuring convicts when they arrive here, to navigate them for the remainder of the voyage; and if the whale-fishery is established on the coast, unless some clause is introduced in the license those ships receive to fish in these seas, every carpenter and seaman will be lost to the colony.

Suggested
amendments to
charters of
transports.

The Britannia has returned, after having been out for fifteen days. The master says he saw a great number of fish, and had many in sight for nine days, during which time the badness of the weather prevented his putting a boat into the water. The day after he left this harbour, in company with the William and Ann, seven fish were killed by the two ships, but a gale of wind then coming on, only one fish was saved by each.

Whaling.

The Mary Ann and Matilda have likewise returned to this harbour, the former on having her coppers washed down. Those ships had run to the southward in search of seals, where they

Sealing.

* Note 169a. † Note 170. ‡ Note 171.

1791.
18 Nov.

met with an heavy gale of wind, and did not see any fish. The Matilda having put into Jervis Bay to stop a leak, a copy of the eye-draught made by the master is inclosed. He says there is exceeding good anchorage, and room for the largest ships to work in or out with great safety. He speaks well of the soil.

You will, sir, observe that the Atlantic is ordered to be loaded with flour and pease only; and that there has not been any oil or butter in the colony for a considerable time, except very small accidental supplies.

Native timber.

Some specimens of the timber of this country are put on board his Majesty's ship Gorgon.

Distinctive
brands for
clothing and
stores.

The impossibility of preventing the convicts cloathing and necessities from passing into the hands of those for whom those articles are not intended, makes me wish that every article intended for the convicts should be marked. Their linens and woollens might, I think, without any additional expense, have stripes of a different colour wove in them. The iron pots and every other article should likewise be marked; and this is absolutely necessary, for a convict will sell for a pint of spirits the necessities which should serve him for months, and there always will be those who will purchase them.

Stores required.

The Commissary will make a return of such articles as are most immediately wanted, a copy of which is inclosed. And I beg leave to observe that bad tools are of no kind of use. For cross-cut saws, axes, iron pots, and combs we are much distressed. You will see by the return* that there are now 2,570 male and 608 female convicts, with 161 children, to be cloathed. Nothing was sent out proper for shirts or shifts for the convicts. Two or three hundred iron frying-pans will be a saving of spades.

Township of
Parramatta.

The publick letter to Lord Grenville speaks of the town of Parramatta. It begins at the foot of Rose Hill, and extends along the banks of the creek to the eastward for one mile. The name I have given this town is that by which the natives distinguish the spot on which it stands. It is there, and for two miles to the westward, that the convicts are now employed in agriculture. Of those who have been received from Ireland in the Queen, transport, from fifteen to twenty have taken to the woods, and though several of them have been brought in when so reduced that they could not have lived a second day, if they had not been found, some of those very men have absconded a second time, and must perish.

Convicts
abscond.

Such is their ignorance that some have left the settlement to go to China, which they suppose to be at the distance of only one hundred and fifty miles. Others, to find a town they supposed to

* Note 172.

be a few days' walk to the northward. As these people work daily in the woods, the preventing such desertions is impossible; but this is an evil which will cure itself.

1791.
18 Nov.

My former letters have pointed out the great necessity of a few intelligent good settlers, who would have an interest in their own labour and in the labour of those who might be employed under them, but to which I have not received any answer. The great advantage of a few such people to this colony, where of the few settlers we now have the greatest part have been brought up as soldiers or as seamen, must be obvious. I have had to establish this colony [with] people who have been bred in peace and indolence, noways interested in the success of their labours, but, on the contrary, their immediate ease and convenience could only be attained by slighting or neglecting the labour they had to perform, and scarce an individual who felt himself interested in the task necessarily imposed on them. The colony is now in such a situation that a few honest settlers, who have been bred to agriculture, being sent out may in a very short time be the means of taking off the heavy expence which Government has hitherto been at for supplying this colony with provisions, and preventing those inconveniences which the colony has hitherto sustained, and which we still feel, from unavoidable accidents. We are again at a reduced ration.

Good settlers
wanted.

Characteristics
of first
colonists.

The great increase of people and publick business cause the expence of paper to be very considerable. The supplying the Commissary with what may be judged necessary will do away the difficulties that officer labours under, as stationery is not to be procured in this place.

Stationery
required.

If the fishery draws an American vessel on the coast, in what manner are they to be received?

The landing of spirits without having a permit has been prohibited in the Port Orders, in order to prevent the convicts procuring any; but if some duty was laid on all spirits landed in the settlement it would more effectually answer the purpose. The duties so collected would, of course, be applied for the benefit of the Crown. You will, sir, favour me with your opinion on that head.

Importation of
spirits.

In appointing a person for registering the grants of land it is necessary to observe that such a person must be sent from England, and that any one person who holds two employments increases the inconveniences we labour under, for want of people capable of acting as magistrates, and for various other purposes.*

Registrar of
land grants.

* Note 173.

1791.
18 Nov.

Specie required.

The inconveniences attending the not having any money in the colony still subsist, and this I observe as one of your letters mentions an intention of sending money by the Guardian to pay artificers, &c.

Iron mills and querns for grinding Indian corn are very much wanted, and a windmill is now become absolutely necessary.

Buildings.

Barracks for the military and houses for several of the Civil departments are still to build at Sydney, and at Parramatta there are still houses and barns to build. I have only one master carpenter in this settlement, who cannot be in both these places; and he is wanted at Norfolk Island, for the convict who has hitherto directed the works there has signified his desire of returning to England, as the time for which he was sentenced is expired.

The convict whom I wished to retain, and mentioned in my letter to Lord Grenville as being promised one shilling per day if he would remain for a few months longer, and who is the only one amongst those people capable of acting as a master carpenter, is gone on board the Admiral Barrington. Unless the owners forbid their masters receiving any of these people, we shall never keep a carpenter, cooper, or any valuable man, for they tempt those who would be willing to remain if left to themselves.

I have, &c.,
A. PHILLIP.

[Enclosure No. 1.]

FORM OF GRANT OF LAND.*

By His Excellency Arthur Phillip, Esqr., Captain-General and Governor-in-Chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c., &c., &c.

WHEREAS full Power and Authority for Granting Lands in the Territory of New South Wales, to such Persons as may be desirous of becoming Settlers therein, is vested in me, His Majesty's Captain-General and Governor-in-Chief in and over the said Territory and its Dependencies, by His Majesty's Instructions under Royal Sign Manual bearing date respectively the Twenty-fifth day of April, One thousand seven hundred and eighty-seven, and the Twentieth Day of August, One thousand seven hundred and eighty-nine.

In Pursuance of the Power and Authority vested in me as aforesaid, I do by these Presents Give and Grant unto P.S. His Heirs and assigns to have and to hold for ever, One Hundred and forty Acres of Land in One Lot, to be known by the name of THE VINEYARD laying on the North side of the Creek leading to Parramatta and crossed by a Publick Road of One hundred

feet in breadth; the said One hundred and forty Acres of Land to be had and held by him the said P.S. his heirs and assigns, free from all Fees, Taxes, Quit Rents and other acknowledgments, for the space of Five Years, from the date of these Presents, Provided that the said P.S. his heirs or assigns shall reside within the same, and proceed to the improvement and cultivation thereof; such Timber as may be growing, or to grow hereafter upon the said Land, which may be deemed fit for Naval Purposes, to be reserved for the use of the Crown, and paying an annual Quit Rent of one Shilling for every Fifty Acres after the expiration of the Term or Time of Five Years before mentioned.

1791.
18 Nov.
Form of
land grants.

In Testimony whereof I have hereunto set my hand and the Seal of my Arms (The Seal of the Territory not being yet received) at Government House, Sydney, in the Territory of New South Wales, this Thirtieth Day of March in the year of Our Lord, One thousand seven hundred and ninety-one.

A.P. (L.S.)

Signed and Sealed in Our Presence,— { J.W.
R.J.
J.P.

[Enclosure No. 2.]

An Account of such Articles as are most wanted in His Majesty's Settlements in New South Wales:—

Vizt.

Felling Axes	Compasses
Broad do.	Tin Dble
Hammers of Sizes	do. Single
Spades	Musquet Cartridge Paper the
Shovels	last sent out too thick and
Saws, Pit	useless
do., X Cut	Musquet Ball
do., Hand	do. Flints
Tennant Saws, 6 No	Pitch
Saw Files of Different Kinds	Tar
Long Planes some Dble Ironed	Tallow and Cotton for Candles
Trying do. do.	Rozin
Smoothing do. do.	Lanthorns Common
Moulding do. do.	Plaisterers Trowels
Rabbitt do. do.	do. Brushes
Grubbing Hoes	Iron Candlesticks and Snuffers
Garden do.	Stock Locks
West India do.	Pad do.
Augers	Forge Bellows
Gouges and Chizzels of Sorts	Small Bench Vices
Box Rules	Iron Potts of three to five
Glue	Gallons

1791.
18 Nov.

AN Account of such Articles as are most wanted, &c. —*continued.*

Corn Mills and Querns	A few Hones for setting of
Crane for Drawing off Spirits	Razors
Pumps	Cloathing for Men and Women
Brass Cocks	Child Bed Linnen
Wine Measures	Bed Ticks and some Should be
Large and small tooth Combs	of a Size for two People
there are none in the Colony.	Hammocks
Soap for Shaving the Men	Wax proper for the Great Seal
Needles of Sizes	of the Territory etc.
Fish Hooks of Sorts	Paper for making out Patents
Razors. 100 Good	Stationary for the Different
Knives	Offices.

JNO. PALMER, Commissary.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per H. M. ship Supply.)

Sir,

Sydney, 18 November, 1791.

The whale
fishery.

You will be pleased to inform the Right Honourable the Lords Commissioners of the Admiralty that the *Britannia*, intended for the southern fishery, as mentioned in my former letter, has returned to this port after being out fifteen days, during which time the master says he saw a great abundance of spermaceti whales, but, from the badness of the weather, was not able to put a boat into the water for nine days that the fish remained in sight. The day after the ship left the harbour in company with the *William and Ann* seven fish were killed; but the gale of wind then coming on, only one fish was saved by each ship.

The *Mary Ann* and the *Matilda* have returned to this port, being driven in as well as the *Britannia* by the badness of the weather. Those ships had run to the southward in search of seals, but did not see any fish. The *Matilda*, having run into Jervis Bay in order to stop a leak, the master made an eye-draught of that harbour, a copy of which is inclosed. By his account the anchorage is exceeding good, and the largest ships may turn in or out of the bay.

The *Mary Ann* and *Matilda* are now going out of the harbour, and mean to try for fish on the coast. The two other whalers, the *William and Ann* and the *Salamander*, are on the coast to the northward. The *Britannia* sails in a few days, and, from the information I have received from the masters of these ships, there is every reason to suppose that a fishery will be established on the coast.

Master of
the Supply.

The very officer-like conduct of Mr. David Blackburn as master of the *Supply*, and during the time he commanded that vessel

while Lieut. Ball was sick on shore, makes it a duty incumbent on me to point him out as an officer deserving of their Lordships' notice. And I likewise feel it a duty to say that the service owes much to the abilities of Mr. Robinson Reid, the carpenter of that vessel.

1791.
18 Nov.
Carpenter of
the Supply.

Lieutenant Robert Parry Young, who came out as Naval Agent in the Albemarle, has, I presume, informed their Lordships of the convicts having mutinied on board that ship during the passage, and the necessity he was under of executing two of the ring-leaders.* From the information I have obtained of that business, Lieutenant Young appears to have conducted himself with a great deal of propriety and in a very officer-like manner.

Mutiny on the
Albemarle.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE TREASURY.

20 November, 1791.

[A copy of this despatch has not yet been found.]

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch marked "Separate," per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

My Lord,

Sydney, 21st November, 1791.

21 Nov.

I am honoured with your Lordship's letter of the 19th of February in answer to mine to Lord Sydney, and beg leave to assure your Lordship that I should not hesitate a moment in giving up my private affairs to the public service; but from a complaint which so very frequently puts it out of my power to use that exercise which my situation requires, and the present state of this colony, in which I believe every doubt respecting its future independency as to the necessities of life is fully done away, I am induced to request permission to resign the Government that I may return to England in hopes of finding that relief which this country does not afford.

Phillip's
resignation.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 6, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

My Lord,

Sydney, November 22d, 1791.

22 Nov.

I have the honor to inclose for your Lordship's information, a General Return of His Majesty's Forces employ'd on the Continent of New South Wales and its Dependencies.

N.S.W. and
Marine Corps.

I have, &c.,

A. PHILLIP.

* Note 175.

[Enclosure.]

1791.
22 Nov.
Returns of
troops.

GENERAL Return of His Majesty's Forces employed on the Con-
tinent of New South Wales and its Dependencies, November
the 18th, 1791.

MARINE CORPS.

	Major Commandant.	Captains.	Capt. Lieutenants.	First Lieutenants.	Second Lieutenants.	Adjutant.	Quarter-master.	Judge-Advocate.	Serjeants.	Corporals.	Drummers.	Privates.
Present { Fit for duty .....	...	1	2	4	1	1	1	1	10	7	6	88
Unfit for duty .....	...	1	...	2	...	...	...	...	...	...	1	4
At Norfolk { Fit for duty	1	...	...	1	2	...	...	...	3	3	2	34
Island. Unfit for duty .....	...	...	...	...	...	...	...	...	...	...	...	5
At Parramatta, Fit for duty.....	...	...	...	...	...	...	...	...	...	...	...	...
Embarked .....	...	...	...	1	...	...	...	...	...	...	...	1
Total	1	2	2	8	3	1	1	1	13	10	9	132

Officers' Names.	Present.		At Norfolk Island.		At Parramatta.	With Leave.
	Fit for Duty.	Unfit for Duty.	Fit for Duty.	Unfit for Duty.		
Major Commandant, Robert Ross.....	...	...	1	...	...	...
Captains—						
James Campbell	1	...	...	...	...	...
James Meredith .....	...	1	...	...	...	...
Captain Lieutenants—						
Watkin Tench.....	1	...	...	...	...	...
George Johnstone	1	...	...	...	...	...
First Lieutenants—						
John Creswell	Embarked.		...	...	...	...
Robert Kellow .....	...	1	...	...	...	...
John Pouliden	1	...	...	...	...	...
John Johnstone .....	...	1	...	...	...	...
James Maitland Shairp	1	...	...	...	...	...
Thomas Davey	1	...	...	...	...	...
Thomas Timins	1	...	...	...	...	...
Ralph Clarke .....	...	...	1	...	...	...
Second Lieutenants						
William Dawes	1	...	...	...	...	...
William Faddy .....	...	...	1	...	...	...
Alexander John Ross.....	...	1	1	...	...	...
Adjutant Second Lieutenant, John Long.....	1	...	...	...	...	...
Quarter-master First Lieutenant, James Furzer.....	1	...	...	...	...	...
Judge-Advocate, Captain David Collins	1	...	...	...	...	...
Total.....	11	3	4	...	...	...

GENERAL Return of His Majesty's Forces—*continued.*
NEW SOUTH WALES CORPS.

1791.
22 Nov.

Returns of
troops.

		Captains.	Lieutenants.	Ensigns.	Chaplain.	Quarter-master.	Surgeon's Mate.	Serjeants.	Corporals.	Drummers.	Privates.
Present	{ Fit for duty .....	...	1	...	...	1	...	3	3	...	63
	{ Unfit for duty .....	...	...	...	...	...	...	...	...	...	...
At Norfolk	{ Fit for duty	2	2	1	...	...	...	4	4	3	92
Island	{ Unfit for duty .....	...	...	...	...	...	...	...	...	...	...
At Parramatta,	Fit for duty	1	...	2	1	...	1	5	5	5	74
	With leave .....	...	...	...	...	...	...	...	...	...	...
Total.....		3	3	3	1	1	1	12	12	8	229

Officers' Names.	Present.		At Norfolk Island.		At Parramatta.	With Leave.
	Fit for Duty.	Unfit for Duty.	Fit for Duty.	Unfit for Duty.		
Captains—						
Nicholas Nepean .....	...	...	...	...	1	...
William Hill.....	...	...	1	...	...	...
William Patterson .....	...	...	1	...	...	...
Lieutenants—						
John McArthur	1	...	...	...	...	...
John Townson .....	...	...	1	...	...	...
Edward Abbott .....	...	...	1	...	...	...
Ensigns—						
John Thomas Prentice.....	...	...	1	...	...	...
William Beckwith.....	...	...	...	...	1	...
William Cummings .....	...	...	...	...	1	...
Chaplain, James Bain .....	...	...	...	...	1	...
Quarter-master, Thomas Laycock	1	...	...	...	...	...
Surgeons' Mate, John Harris .....	...	...	...	...	1	...
Total	2	...	5	...	5	...

LIEUTENANT JOHN LONG, Acting Town Adjutant.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch marked "Separate," per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

My Lord, Sydney, November 22nd, 1791.

The commander of the armed tender Supply has an animal in charge which is known in England by the name of kangaroo, and which I hope will live to be delivered to your Lordship for the purpose of being sent to his Majesty.

A kangaroo
sent to the King.

I have taken this liberty, as it is not known that any animal of the kind has hitherto been seen in England. I have, &c.,

A. PHILLIP.

1791.
24 Nov.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 7, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

Sydney, New South Wales,
November 24th, 1791.

My Lord,

Land grants
for officers.

Several officers of the civil and military departments being desirous of having grants of land, which they would cultivate for their own advantage while they remain in the country, and convey the property to children or other persons when they return to Europe, I am to request your Lordship will furnish me with such information on this head as your Lordship may judge necessary for my guidance.*

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 2, per H. M. ship Supply; arrived Portsmouth, 21st April, 1792.)

Sydney, New South Wales,
24th November, 1791.

Sir,

A passenger on
the transport
Active.

The Master of the Active, Transport, having made Oath that a Woman of the Name of Esther Pass, who came out in that Ship, is not a Convict's Wife, and never was intended to remain in the Settlement, she is permitted to proceed with him.

This is mentioned as her Name was returned in a Certificate from the Cape of Good Hope, as a Convict's Wife, Lieutenant Young, the Naval Agent, having never been informed to the contrary, by the Master of the Ship, until after her Arrival in this Port.

I am, &c., &c.,

A. PHILLIP.

A Mistake having happened in numbering Lord Grenville's Letters, I have in these Despatches began with No. 1, which will be continued regular in future.†

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch No. 8, per H. M. ship Supply; acknowledged by Rt. Hon. Henry Dundas, 15th May, 1792.)

25 Nov.

My Lord,

Sydney, November 25th, 1791.

Private ship-
ments on
transports.

In addition to what I have already had the honour of informing your Lordship relative to the copper, &c., brought out by the transports, I beg leave to observe: That the ships appear to have regular clearances from the Custom-house for copper, lead, iron, and steel; that I have never received the late Acts of Parliament relative to the southern fishery, nor have I any precedent to go by. This settlement is not mentioned in any Act that I have seen, and it does not appear to me that while the

ships are riding in this harbour I have a power as Governor or Vice-Admiral of this territory to take out the copper, lead, iron, and steel they have on board, altho' I have not any doubt but that the ships would be seizable at sea. I have, &c.,

1791.
25 Nov.

A. PHILLIP.

GOVERNOR PHILLIP TO LORD GRENVILLE.*

(Despatch marked "Separate," per H. M. ship Gorgon; acknowledged by Rt. Hon. Henry Dundas, 14th July, 1792.)

Sydney, December 8th, 1791.

8 Dec.

[*This despatch is a duplicate of the letter marked "Separate" from Governor Phillip to Lord Grenville, dated 21st November, 1791, and forwarded per H. M. ship Supply.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

? December, 1791.

[*A copy of this despatch, numbered 3, has not yet been found.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Despatch No. 4, per H.M.S. Gorgon; acknowledged by Under-Secretary Nepean, 12th July, 1792.)

Sydney, New South Wales,

14th December, 1791.

14 Dec.

Sir,

I inclose a list of those convicts, whose times being expired, have left the settlement in the different transports, also of those whose times are not expired but who have absconded; and some of them are supposed to have been secreted on board the ships and carried from the settlement.

Expires and
absconders.

It may be very difficult to prove that the masters of any of those ships knew such men were on board; but the necessity of some steps being taken to prevent those people being received on board the transports with the connivance of the masters, mates, or seamen, without which it could seldom happen, will, I hope, appear to you to be absolutely necessary, for it cannot be prevented by any steps which can be taken here at present.

The masters of those ships who have sailed last from hence, have orders to deliver up any convict who may be found secreted on board their ships after they leave this harbour to the Governor or commanding officer at the first port they may put into; and it will not, I presume, be very difficult for the Navy Board to have a clause inserted in the contracts, which would oblige the masters of the transports to enter the names of all those who may be received on board such ship from the time they come on this coast to their return to England; the fear of an heavy penalty

Contracts
should be
amended.

1791.
14 Dec.

on the master or mate who receives a convict on board, and does not register him, may have the desired effect. You, sir, may see some better method; and I only mention this from the great necessity there is of some step being taken in this business, otherwise we shall lose all the able men; and those ships who come on this fishery must be guarded against in the same manner.

Medical details
in N.S.W.
Corps.

I have also inclosed the copy of a letter received from the surgeon of the New South Wales Corps, who left England as the surgeon's mate, is unacquainted with the service, and has not any kind of necessary for the use of the sick. Orders have been given to the surgeon of the colony to furnish him with whatever he may demand, either necessaries or medicines, and to receive all such soldiers into the hospital as may be sent to him from that corps; but it will appear by his letter that he fears an heavy expense may be brought against him, and declines having an hospital for the use of his own corps from not having any kind of necessaries. You will, sir, be so good as to let some information be given on this head, although it may not be official to address you on the subject, for I am quite a stranger to this business.

The want of a corn-mill, tools, implements of husbandry, and sundry articles which have been mentioned by the Commissary will, I hope, be supplied by the first ship.

No answer has yet been received with respect to settlers being sent out, and which is to be so much desired—I allude to settlers who are farmers or planters, and who are possessed of some property.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

[A copy of the list of expirees and convicts who have absconded has not yet been found.]

[Enclosure No. 2.]

SURGEON HARRIS TO GOVERNOR PHILLIP.

Sir, Parramatta Barracks, 12th December, 1791.

I beg leave to represent to your Excellency that the New South Wales Corps being sent out to this country with me, without any kind of necessaries whatever, and many of the soldiers being taken ill with different diseases, consequently in need of much support, and tho' your Excellency has been pleased to give orders to the surgeon of the colony to supply me with wine, sago, and other necessaries that I might demand, yet I am apprehensive that the great expenditure of these articles, for which I give receipt, will much over-balance any allowance that I know of made me for these things. And I sincerely beg that

Medical
requirements
of N.S.W.
Corps.

your Excellency will furnish me with information how I am to act in future, or whether its probable that any charge will be made against me for such men as I may be obliged to send to the hospital, as for want of necessaries I am obliged to decline having an hospital built for the New South Wales Corps untill the medecines and necessaries of the regiment arrive.

1791.
14 Dec.

I am, &c.,

JOHN HARRIS,
Surgeon, New South Wales Corps.

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch marked "Private," per H. M. ship Gorgon; acknowledged by Rt. Hon. Henry Dundas, 14th July, 1792.)

My Lord,

Sydney, December 14th, 1791.

I had the honour of informing your Lordship in my letter of the 22nd of last month that an animal known in England by the name of kangaroo had been put on board the Supply, as I presumed that so uncommon an animal might not be judged improper to be sent to his Majesty.

A second
kangaroo for
the King.

I have now the honour of informing your Lordship that another of these animals is put on board his Majesty's ship, Gorgon, for the same purpose.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE WAR OFFICE.

15th December, 1791.

15 Dec.

[A copy of this despatch has not yet been found.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per H. M. ship Gorgon.)

Sydney, New South Wales,

15th December, 1791.

Sir,

I am to acknowledge the receipt of your letter of the 3rd of July, 1790, by the Albemarle, transport, inclosing a copy of the estimate upon which the grant for defraying the charge of the civil establishment in this colony for the year 1791 is founded, for my direction in the application thereof.

A receipt signed by the master of his Majesty's ship Gorgon, for the plank sent home in that ship, as specimens of the timber of this country, is inclosed.

I have likewise inclosed a general return of the troops serving in this country.

I am, &c.,

A. PHILLIP.

1791.
15 Dec
Returns of
troops.

[Enclosure No. 1.]

GENERAL Return of his Majesty's forces employed on the continent of New South Wales and its dependencies, December the 13th, 1791.

MARINE CORPS.*

Officers' Names.	Present.		At Norfolk Island.		Embark'd	At Parramatta.
	Fit for duty.	Unfit for duty.	Fit for duty.	Unfit for duty.		
Major Commandant—						
Robert Ross.....	...	...	...	...	1	...
Captains—						
James Campbell .....	...	...	...	...	1	...
James Meredith .....	...	...	...	...	1	...
Captain-Lieutenants—						
Watkin Tench .....	...	...	...	...	1	...
George Johnston.....	1	...	...	...	...	...
First-Lieutenants—						
John Creswell .....	...	...	...	...	1	...
Robert Kellow .....	...	...	...	...	1	...
John Poulden	1	...	...	...	...	...
John Johnstone .....	...	...	...	...	1	...
James Maitland Shairp .....	...	...	...	...	1	...
Thomas Davey	1	...	...	...	...	...
Thomas Timmins	1	...	...	...	...	...
Ralph Clarke .....	...	...	...	...	1	...
Second Lieutenants—						
William Dawes .....	...	...	...	...	1	...
William Faddy .....	...	...	...	...	1	...
Alexr. John Ross.....	...	...	...	...	1	...
Adjutant, 2nd Lieutenant—						
John Long .....	...	...	...	...	1	...
Quarter-master, 1st Lieutenant—						
James Furzer .....	...	...	...	...	1	...
Judge-Advocate, Captain—						
David Collins	1	...	...	...	...	...
	5	...	...	...	14	...

Rank.	Present.		At Norfolk Island.		At Parramatta— Fit for duty.	Embark'd on board His Majesty's ship Gorgon and Supply, arm'd tender.	Total.
	Fit for duty.	Unfit for duty	Fit for duty.	Unfit for duty.			
Major-Commandant .....	...	...	...	...	...	1	1
Captains .....	...	...	...	...	...	2	2
Captain-Lieutenants	1	...	...	...	...	2	2
1st Lieutenants	3	...	...	...	...	9	9
2nd Lieutenants .....	...	...	...	...	...	3	3
Adjutant .....	...	...	...	...	...	1	1
Quarter-master .....	...	...	...	...	...	1	1
Judge-Advocate.....	1	...	...	...	...	1	1
Sergeants.....	4	...	...	...	...	9	13
Corporals.....	4	...	...	...	...	8	12
Drummers	2	...	...	...	...	6	8
Privates	50	...	...	...	...	51	101

* Note 180.

[Enclosure No. 2.]

GENERAL Return of His Majesty's Forces employed on the
continent of New South Wales and its dependencies, ^{1791.}
December the 13th, 1791. ^{15 Dec.} Returns of
troops.

NEW SOUTH WALES CORPS.

Officers' Names.	Present.		At Norfolk Island.		Embark'd.	At Parramatta.
	Fit for duty.	Unfit for duty.	Fit for duty.	Unfit for duty.		
Captains—						
Nicholas Nepean .....	...	...	...	...	...	1
William Hill.....	...	...	...	...	...	1
William Paterson .....	...	...	1	...	...	...
Lieutenants—						
John McArthur	1	...	...	...	...	...
John Townson .....	...	...	1	...	...	...
Edward Abbott .....	...	...	1	...	...	...
Ensigns—						
John Thomas Prentice .....	...	...	1	...	...	...
William Beckwith .....	...	...	...	...	...	1
William Cummings .....	...	...	...	...	...	1
Chaplain—						
James Bain .....	...	...	...	...	...	1
Quarter-Master—						
Thomas Laycock.....	...	...	...	...	...	1
Surgeon—						
John Harris.....	...	...	...	...	...	1
Total	1	...	4	...	...	7
Lieutenant John Long, acting Town Adjutant.....	...	...	...	...	1	...

Rank.	Present.		At Norfolk Island.		At Parramatta.		Total.
	Fit for duty.	Unfit for duty.	Fit for duty.	Unfit for duty.	Fit for duty.	With leave.	
Captains.....	...	...	1	...	2	...	3
Lieutenants ..	1	...	2	...	...	...	3
Ensigns .....	...	...	1	...	2	...	3
Surgeon .....	...	...	...	...	1	...	1
Chaplain .....	...	...	...	...	1	...	1
Quarter-master .....	...	...	...	...	1	...	1
Serjeants	3	...	3	...	6	...	12
Corporals	3	...	3	...	6	...	12
Drummers .....	...	...	2	...	6	...	8
Privates	63	...	64	...	102	...	229

GOVERNOR PHILLIP TO LORD GRENVILLE.

1791.
15 Dec.

(Despatch No. 9, per H. M. ship Gorgon; acknowledged by Rt. Hon. Henry Dundas, 14th July, 1792.)

My Lord,

Sydney, December 15th, 1791.

Departure of
marine corps.

I have the honour to inform your Lordship that Major Ross arrived here the 5th instant, and embarked the 13th with the detachment of marines under his command on board his Majesty's ship Gorgon, those excepted who have become settlers or who remain for the service of the colony until the remainder of the New South Wales Corps arrive, as will appear by the inclosed return. I have also the honour to inclose your Lordship a return of the numbers who have become settlers here and at Norfolk Island up to the present time.

Progress of the
colony retarded.

As your Lordship may expect me to mention the period at which it may be supposed further supplies of flour will be unnecessary, I having given my opinion on that head in a former letter, and the time being not very distant when I had supposed the colony might have been able to have supplied itself with that article. I must beg your Lordship's permission to refer—for those causes which have prevented the colony's being in the situation I expected, and which I have no doubt but that it otherwise would have been in—to those parts of my letters in which I have pointed out the loss of the man on whom I placed great dependance,* and who was charged with directing the labour of all the convicts employed in agriculture, the very long drought, the reduced ration, and which, when not so very low as to render the people incapable of labour, serves as a too well-founded excuse for their doing but very little work, and must be always attended with great discontent amongst such people—the miserable state in which two large bodies of convicts have been landed, who are a burthen to the colony, and who when they regain their health are not in general calculated for hard labour—and the want of a proper person to be charged with the cultivation of the ground, and to have the direction of the convicts who are employed in agriculture. If I have too often adverted to this subject, I trust that the cause will excuse me to your Lordship, and for observing, that it now only wants one month of four years since I first landed in this settlement, during which time all the publick live stock which has been received is not more than what would be necessary for one good farm; nor has that been received till within these three months. This I mention to shew how very distant that period must be in which the settlement will be able to supply its inhabitants with animal food; and in addition to what has been observed respecting ships, which are not King's ships, being employed for the service of this colony, as some

* Note 81.

dependance may be placed on the ship to be expected from the north-west coast of America,* I beg leave to observe, that it must be very uncertain in what state that ship may arrive here; she may probably want repairs, and the number of carpenters in this settlement are still very inconsiderable.

1791.
15 Dec.

Captain Parker has informed me that he proposes sailing the 18th. The attention that officer has shewn to everything which appear'd to tend to the advantage of the settlement, and the great want of a King's ship on the station, makes me regret that I cannot detain the Gorgon; but the ship is too large, and I have not any other in which I could send home the detachment of marines.

Departure of
the Gorgon.

Immediately after the Gorgon sails it will be necessary to reduce the present ration of flour, and which I defer till after that ship has sailed with those of the detachment who are returning to England, as it might occasion some little uneasiness amongst those who remain; but I have not any other reason for saying this than knowing that the soldier being so frequently on a reduced ration must feel it. I am at the same time very confident that not any complaints will be made on that head.

Rations.

When the last ship left Norfolk Island the crops of corn promised well; and as I have to return to the island those marines who have been discharged to become settlers there, but who Major Ross found it necessary to bring with him in order to settle their accounts before he discharged them, an addition will be made to the salt provisions on the island, and which will be sent with the settlers in one of the ships going to Bombay, or in one of the whalers. It will be an expence to the Crown of about one hundred and fifty pounds; but which, as the men have been brought here, is unavoidable.

Stores for
Norfolk Island.

The frequent showers of rain which we have had lately gives reason to expect that our Indian corn will be good; and the wheat and barley have turned out better than was expected.

As your Lordship's letter of the 19th of February, 1791, marked No. 10, has the following words, "The proceedings of Major Ross and Captain Campbell according to your representations," I beg that your Lordship will permit me to say that the representations I have made of the conduct of those officers are just and impartial, and which do not admit of a doubt. I believe Major Ross's or Captain Campbell's friends could not have represented their conduct in a more favorable point of view, without having deviated from truth; and the representations I made appeared to me to be necessary for the good of his Majesty's service.

Major Ross
and Captain
Campbell.

Your Lordship's letter, I presume, alludes to the business of the Criminal Court and to the night-watch.† Some proofs are

1791.
15 Dec.

Major Ross
and Captain
Campbell.

before your Lordship, and most of the officers are now returning to England with Major Ross and Captain Campbell. I am distant, no ways connected with the corps, and am sensible that offrs. may not readily stand forth to support a charge brought against one of their own corps, and by a commanding officer of whom some of them may think they have reason to complain. Still I beg leave to say that I have sufficient confidence in those officers to submit every representation I have made regarding Major Ross or Captain Campbell being determined on in my absence; and have only to add that Major Ross and Captain Campbell were officially informed that their conduct on the above matter, and on every occasion when their names have been mentioned, would be laid before his Majesty's Secretary of State.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

[*A copy of the return of Marines, who remained in New South Wales, has not yet been found.*]

[Enclosure No. 2.]

Return of Settlers at and near Parramatta.

Settler, late superintendant of convicts	...	...	...	1
Settlers, late of the marines	...	...	...	8
„ seamen, late of his Majesty's ship Sirius	...	...	...	2
„ convicts whose sentences of transportation have expired	...	...	...	34
				—
				45

At Norfolk Island.

Settlers, late of the marines	...	...	...	31
„ seamen, late of his Majesty's ship Sirius	...	...	...	8
Settler, seaman, late of his Majesty's armed tender Supply	...	...	...	1
Settlers, convicts whose sentences of transportation have expired	...	...	...	39
„ from the marines ready to embark	...	...	...	23
				—
				102

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Per H. M. ship Gorgon; acknowledged by Rt. Hon. Henry Dundas, 14th July, 1792.)

Sydney, New South Wales,

My Lord,

16th December, 1791.

I have the honor to transmit the duplicates of four warrants of emancipation under the seal of the Government of this territory, pursuant to his Majesty's commission under the great seal for that purpose.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

WARRANT OF EMANCIPATION, NUMBER 1.

1791.
15 Dec.

Warrant of
emancipation

WHEREAS His Majesty by a Commission under the Great Seal of Great Britain, bearing Date the Eighth Day of November in the Thirty-first year of His Majesty's Reign, hath been graciously pleased to give and grant full Power and Authority under the Governor or (in case of his death or absence) the Lieutenant-Governor for the time being of His Majesty's Territory of the Eastern Coast of New South Wales and the Islands thereunto adjacent, by an Instrument or Instruments in writing under the Seal of the Government of the said Territory, or as he or they respectively shall think fit and convenient for His Majesty's Service, to remit either absolutely or conditionally the whole or any part of the time or term for which Felons or other offenders, shall have been or shall hereafter be respectively conveyed and transported to the Eastern Coast of New South Wales, or to the Islands thereunto adjacent.

By Virtue of the Power and Authority vested as aforesaid, I, Arthur Phillip, His Majesty's Governor of the said Territory of New South Wales and the Islands thereunto adjacent, taking into consideration the unremitting good Conduct and Meritorious Behaviour of John Irving and deeming him the said John Irving a proper object of the Royal Mercy do hereby absolutely remit the remainder of the Time or Term which is yet unexpired of the original Sentence or order of Transportation passed on the said John Irving in the year of Our Lord One thousand seven hundred and eighty-five.

Given under my Hand and Seal of the Territory at Sydney
in New South Wales, this Sixteenth Day of December,
in the year of Our Lord, One thousand seven hundred
and ninety-one.

A. PHILLIP.

[Enclosures Nos. 2 and 3.]

[These are similarly worded warrants of emancipation to a bricklayer and to a woman who had married a superintendent, both dated 16th December, 1791.]

[Enclosure No. 4.]

WARRANT OF CONDITIONAL EMANCIPATION.

[This document, also dated 16th December, 1791, is a conditional pardon to fourteen convicts for good behaviour on the ship Guardian, both before and after the wreck, issued "pursuant

1791.
15 Dec.

to His Majesty's most gracious intentions," and is worded in similar manner to Enclosure No. 1, with the addition of the following sentence] :—

Provided and On Condition that they continue to reside within the Limits of this Government and do not return and appear within any parts of the Kingdoms of Great Britain or Ireland during the terms or times specified in their several Sentences of Transportation.

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per H. M. ship Gorgon; acknowledged by Secretary Stephens, 21st July, 1792.)

16 Dec.

Departure of
marine corps.

Sir,

Sydney, Dec. 16th, 1791.

You will please to inform the Right Hon'ble the Lords Commissioners of the Admiralty that the detachment of marines under the command of Major Ross are embark'd on board his Majesty's ship Gorgon, as directed by their Lordships, those excepted who remain for the service of this settlement until the remainder of the New South Wales Corps arrives, as mentioned in my letter by the Supply, No. 1, and those marines who have desired to be received as settlers, and who I have directed Major Ross to discharge, pursuant to the orders I have received on that head, and conformable to their Lordships' letter of the 8th of August, 1788,* made public at the head-quarters of the three divisions of marines.

The inclosed return will shew the numbers embarked, who remain for duty, and who are become settlers.

Discharge of
marines.

As Major Ross has expressed a doubt how far the marines who are become settlers are legally discharged, no orders having been received for that purpose from the Admiralty, I beg leave to observe that if their Lordships' pleasure is signified it may prevent any uneasiness on that head amongst the men discharged.

Sailing of the
Supply.

His Majesty's armed tender Supply sailed from hence on the 26th of November. First-Lieutenant Creswell, of the marines, was embarked on board that vessel and charged with my letters for their Lordships.

Major Ross having found it necessary to bring those marines from Norfolk Island who are to become settlers there, in order to their signing their accounts, they will be returned to the island by the Queen, transport, that ship being intended by the owners to proceed to Bombay, and will be ready to sail in the course of twelve or fourteen days.

Some specimens of the timber of this country being put on board the Gorgon, the master's receipt is inclosed. Captain Parker intends to sail the 18th, and to go round Cape Horn.

1791.
16 Dec.

I am, &c.,

A. PHILLIP.

[Enclosure.]

[*A copy of the return as to the disposition of the Marine Corps has not yet been found.*]

GOVERNOR PHILLIP TO LORD GRENVILLE.

(Despatch per H. M. ship Gorgon; acknowledged by Rt. Hon. Henry Dundas, 14th July, 1792.)

My Lord,

Sydney, December 17th, 1791.

I have the honor to inclose your Lordship the Commissary's Return of the State of this Colony, as to the number of People, and the quantity of Provisions remaining in the Publick Stores.

Returns.

I am, &c.,

A. PHILLIP.

[Enclosures Nos. 1 and 2.]

[*Copies of the Commissary's two returns have not yet been found.*]

THE RIGHT HON. HENRY DUNDAS TO GOVERNOR PHILLIP.

(Despatch No. 2, per store-ship Britannia; acknowledged by Governor Phillip, 2nd October, 1792.)

Sir,

Whitehall, 10 January, 1792.

1792.
10 Jan.

Your letters to Lord Grenville of the date and numbers mentioned in the margin,* forwarded by the way of China, have been received, and with their several inclosures have been laid before the King.

Despatches.

His Majesty's servants cannot but be aware of the unpleasant effects experienced in the settlements from the accident which happened to the Guardian, and how much that unfortunate disaster must have retarded the progress of the settlements. It will, however, be a satisfaction to you to know that considering the inconveniences with which you have had to struggle, they are perfectly satisfied that everything has been done by you which could under such circumstances, be reasonably expected. The settlement at Rose Hill promises soon to make a return for the labour which has been bestowed. From what you represent of its fertility, I perfectly agree with you that it would have been the most eligible spot for the first settlement; but circumstanced as you originally were, disappointed in your expectations respecting Botany Bay, and without any sort of information of the nature

Phillip's
actions
approved.

* 1—June 14, 1790; 2—June 14, 1790; 3—June 17, 1790; 4—June 20, 1790; 5—June 25, 1790; 6—July 2, 1790; 7—July 13, 1790; 8—July 14, 1790; 9—July 14, 1790; 10—July 17, 1790.

1792.
10 Jan.

Assigned
servants.

of the country, it could hardly have been expected that you would have made a more judicious choice than you have done, especially when the advantages which must always be derived from a port so capacious and secure as Port Jackson are considered.

With respect to the officers, non-commissioned officers, and such convicts as propose to become settlers, the time for which they were transported being expired, his Majesty's servants do not think it either adviseable or necessary to limit you to any given number of convicts* to be assigned to individuals so widely differing in situation of life, character, and description; but from the opinion which they entertain of your prudence and discretion, they leave you to decide upon a point which must in a great degree be governed by your knowledge of the character and ability of those to whom convicts are to be assigned.

The more convicts that can be properly disposed of in this manner, I am inclined to think, the better. In like manner the quantity of provisions necessary to be granted to persons becoming settlers, and the cases wherein such quantity ought to be given at once, or retailed, must be left to your own judgment and discrimination.

Allowances to
settlers.

From the experiments which you have very properly made, it appears to his Majesty's Ministers, that in the present state of the settlement, one year's provisions for each settler and for each of the convicts to be assigned to each settler, exclusive of their respective rations, is not sufficient for their maintenance until they may become able to support themselves by their own industry. But as to such settlers or convicts as may wish to establish themselves in Norfolk Island, I take it for granted from what you state of the fertility of its soil and other advantages, that one year's provisions will be sufficient; in your decision, however, upon this point with respect to such persons as become settlers, you will, I have no doubt, advert to what Lord Grenville had so strongly recommended to you, in his letter No. 10,† of weighing maturely the conduct of such convicts, and of apportioning the bounty of Government to them according to their deserts. One year's cloathing I should imagine would do, either in New South Wales or in Norfolk Island, but you are at liberty to increase that proportion if absolutely necessary; and respecting the necessity of such increase, you must naturally be more competent to determine than any person here. The payment of the fine specified in his Majesty's instructions by persons to whom lands are to be granted, or for compromising for such fine by a quantity of grain, is a point not necessary to be decided upon at this moment, it will, however, be thought of hereafter when matters of the same nature become the subject of discussion.

* Note 182. † Note 184.

It is not known here with any degree of certainty, whether Messrs. Lambert, Ross, and Biddulph, of Calcutta, have carried their designs into execution of sending to you from Calcutta a cargo of provisions. If that could be depended upon there would be little occasion to send from hence for the present any further supply, particularly of flour; but in order to guard against accidents which possibly might happen to the ship (if she should have been sent) during her passage to New South Wales, or from the failure of the crops either there or in Norfolk Island, a supply is herewith sent out, together with some beef and pork; the quantity of each article is specified in the inclosed return.

1792.
10 Jan.
—
Stores
from India.

Your omitting to forward to me with your last dispatches an account of your stock of provisions prevents my forming an exact calculation on that head. I trust what is now sent, and which is exclusive of what may have been raised, will prove adequate to your exigencies.

By a letter which I have received from Major Ross, dated the 29 August, 1790,* I had the pleasure of hearing, that from the state of the cultivation on Norfolk Island, it was probable that the crops of the present season would enable him to export some grain to New South Wales. If that should be the case, and you should not be disappointed in the expectations you have formed, and which appear by your letter No. 10, there seems to be a fair prospect of easing this country in a short time of a considerable part of the expence of that establishment. A constant supply of grain being once secured, it will be necessary that you should turn your thoughts towards the means of obtaining such other supplies as are indispensably necessary, particularly horned cattle, goats, and hogs, the moment the Supply tender, or any other vessel you may have under your orders can be spared for that service. The ships which last touched at the Cape of Good Hope will carry you a small supply, and occasionally some few may be expected from hence; but unless these supplies can be obtained nearer at hand, it will be a long time before the settlement will be sufficiently stocked, and till that happens a constant expence for provisions must be incurred.

Grain from
Norfolk Island.

It is to be hoped that some assistance will shortly be derived on the spot in the article of clothing, as I observe by Major Ross's letter that the flax-dresser had already made some progress towards it on Norfolk Island, and implements will be provided and sent out to you with a view to the manufacture of that article there.

Manufacture
of flax.

The want of a port at Norfolk Island is, as you justly observe, a material objection to its becoming the principal settlement, but in whatever degree it may be considered, it seems adviseable from

Advantages of
Norfolk Island.

* Note 185.

1792.
10 Jan.

its superior fertility that as many people as can properly be accommodated should be placed there, at least until some further progress is made, and supplies are more abundant than at present in New South Wales.

King appointed
Lieutenant-
Governor of
Norfolk Island.

Captain King, who has been specially appointed Lieutenant-Governor of Norfolk Island, will, I hope, have arrived long before this letter can reach you. His presence will remove any difficulties which you seem to have anticipated from an expectation of your being obliged to detach the Lieutenant-Governor and Commandant of the Corps to that island. The presence of Captain King, and the assistance he will derive from the military will, I trust, for the present enable him to provide for the due administration of justice, until such settlers may arrive as may be of a proper description to be vested with a magisterial authority there.

Phillip's
appointments.

The persons who have been employed by you in public situations will be compensated for their services.

It was understood here that the principal duty under the Commissary had been executed by Mr. Zachy Clarke, and under that idea, the appointment of Deputy-Commissary of Stores and Provisions on Norfolk Island has lately been given to him; but as Mr. Freeman's services appear to be equally necessary in the same capacity in New South Wales, the Lords of the Treasury have consented that he shall have a similar allowance for his services there from the time he was first employed.

It is much to be lamented from the description you have given of Mr. Dodd, that he cannot be prevailed upon to continue at Rose Hill to superintend the cultivation there. If by increasing his appointments from three to five shillings per diem it can be effected, you are at liberty to hold out that encouragement to him for any specific time. Three years might perhaps be sufficient, by which time a proper person might be found for a successor.

As you are of course apprized of the extent of the services rendered by Mr. Murphy,* there will be no objection to your rewarding them. For that and other purposes a remittance will be sent you by the Kitty, which you will apply with as much economy as possible.

At the time the letters were written by you which I have now noticed, it appears that three or four of the superintendants had not arrived. I fear, however, that none of them will be found to answer the description which you seem to require, but if any one or two persons proper for that service can be engaged here, I shall take care to send them out to you by the first opportunity.

Treatment of
convicts in
second fleet.

The distresses to which the convicts sent out in the three ships were exposed during their voyage to New South Wales, is a sub-

ject into which the strictest enquiry will be made, in order to the bringing to punishment the persons who have been the cause of that shocking calamity. I am also happy to inform you that such steps will be taken as will, I hope, in future effectually prevent the secreting and carrying away convicts or others from the settlement. The party so offending will be made liable to forfeit his contract or charter-party, and I request you will transmit to me every intelligence of such an offence, should it be committed, with proper affidavits authenticating the same.

1792.
10 Jan.

The men composing the corps which has been raised to serve in New South Wales under Major Grose have, as a condition of their enlisting, been promised the usual ration, except spirits, without any deduction from their pay. N.S.W. Corps.

This will be explained to you by Major Grose upon his arrival, and will, I have no doubt, operate as a strong inducement to some of the marines to enlist in the additional company.

When the cultivation of the settlement is somewhat farther advanced, the means of supplying the deficiency in the ration with beer will, I have no doubt, be one of the objects of your consideration.

The Lords of the Admiralty have not yet determined on sending any ship to New South Wales to supply the loss of the *Sirius*, but as my predecessor has already informed you, that circumstance will not occasion any decrease of the pecuniary emoluments with which it was understood by you that your situation was to be attended during your continuance abroad.

I have the satisfaction of informing you that the address of the officers of the Civil and Military Establishments to his Majesty on his happy recovery, which accompanied your letter No. 2, was received in the most gracious manner. Address to
the King.

Exclusive of the provisions and other articles which will be sent out in the *Britannia*, agreeable to the invoice herewith transmitted, you will receive by the ship *Kitty*, who is now taking in part of her cargo and I expect will sail in the course of this month, about three hundred tons of provisions, forty or fifty tons of cloathing and stores, together with thirty female and ten male convicts, the latter being such artificers and handy-craftsmen as are stated in your letters to be most wanted in the settlement. At the same time I take this opportunity of acquainting you that a ship of about four hundred tons is already taken up in consequence of my directions for that purpose, in which it is intended to ship with all convenient speed such further articles as you have more particularly required in several of your letters, and which are proposed to be sent, conformable to the inclosed list marked A, together with a year's cloathing for the settlement, and Stores and
settlers to
arrive.

1792.
10 Jan.

other articles, the particulars of which are contained in the List B. At the same time every encouragement will be given to induce certain settlers (who are Quakers, to the amount of fifteen families, and who have made proposals to Government) to embark by the same conveyance. Exclusive of the convict artificers as above-mentioned, terms have been offered for a master carpenter and a master miller, but as yet have not been accepted by any persons of sufficient character and reputation to be relied on. I have, however, no doubt of obtaining such persons before the Kitty sails from hence.

I am, &c.,
HENRY DUNDAS.

[Enclosure No. 1.]

Stores per
Britannia.

INVOICE of Goods shipped on board the Britannia for New South Wales :—

lb.		
23,232	44 Hhds.	Beef.
78,432	258 Tierces	do.
203,520	424 Hhds.	Pork.
33,633	66 Hhds.	Flour.
12,386	35 Barrels	do.
2,790	11 Half-hhds.	do.
A.D.		
840 a.	949	110 Casks Stores.
1,053 a.	1,064	12 Cases
1,066 a.	1,068	3 do.
1,071 a.	1,074	4 do.
1,094 a.	1,108	15 do.
1,110 a.	1,116	7 do.
1,229 a.	1,249	21 Bales
1,288 a.	1,299	12 do.
1,169	}	1,022 Packages
a.		60 Bales
1,228	}	1,082 Packages

Weight and contents unknown to—

W. RAVEN.

Duplicate.
Exd.

ALEXR. DAVISON.

Shipped by the Grace of God, in good order, and well conditioned, by Alexander Davison, in and upon the good ship called the "Britannia," whereof is Master, under God, for this present voyage, Wm. Raven, and now riding at anchor in the River Thames, and by God's Grace, bound for Port Jackson, now in New South Wales; To say,

Forty-four hogsheads and two hundred and fifty-eight tierces of beef, four hundred and twenty-four hogsheads of Pork, sixty-six hogsheads, thirty-five barrels, and eleven half-hogsheads of flour, one hundred and ten casks of ironmongery, forty-one cases and three bales of clothing, and sixty bales of bedding, being marked and numbered as in the margin, and are to be delivered in the like good order, and well conditioned, at the aforesaid port of Port Jackson (the danger of the seas only excepted), unto his Excellency Governor Phillip, or to Assigns. Freight for the said goods being paid with Primage and Average accustomed.

In Witness whereof the Master or Purser of the said ship hath affirmed to three bills of lading, all of this tenor and date: the one of which three bills being accomplished, the other two to stand void. And so God send the good ship to her desired port in safety. Amen.

Dated in London, 31 Dec., 1791.

WM. MALEN, Mate.

[Enclosure No. 2.]

A.—Articles to be sent to New South Wales, in consequence of Governor Phillip's representations. 1792.
10 Jan.

4 pair Millstones, with the necessary apparatus and gear for two windmills. Invoice of
stores.
9,278 Gallons Rum, being the allowance of half a gallon for each person per annum.

B.—Clothing and other articles for the settlement at New South Wales

928 pieces Ozenburgs.
310 pieces coarse Cloth.
560 doz. pairs coarse Yarn Stockings.
726 doz. and 8 pair coarse leather Shoes.
363 doz. common Hats.
363 doz. common leather Caps.
166 doz. women's neck Handkerchiefs.
3,381 lb. coarse Thread.
181 doz. pieces Tape.
33,367 Needles.
9 Groce Scissars.
1,423 Groce horn Buttons.
117 cwt. black Leather.
19 cwt. vamping do.
523 lb. shoemakers' Thread.
20 sets shoemakers' Tools.
9 groce women's Thimbles.
4½ groce men's Thimbles.
109 smoothing Irons.
19 cwt. Yarn.
1,090 pair Blankets.
2,180 Rugs.
47 pieces Ozenburgs.
109 pieces Flannel.
92 doz. pair Children's Shoes
92 doz. hats or leather caps.
109 pieces Irish Linen.
1,112 pair small Blankets.
10 groce small tooth Combs.
20 groce common Combs.
20 groce Razors.
10 groce commonest Knives.
100 lb. Pins.
450 cwt. Soap.

} For Children.

UNDER-SECRETARY KING TO GOVERNOR PHILLIP.

(Per store-ship Britannia; acknowledged by Governor Phillip,
4th October, 1792.)

Sir,

Whitehall, 10th January, 1792.

Mr. Nepean being gone to the West Indies for the recovery of his health, it is become my duty (having had the honor of being appointed Under Secretary of State in this department) to acknowledge the receipt of your letters, sent by way of China to Mr. Nepean, Nos. 1 to 5 inclusive, with three others dated the 6th, 22nd, and 23rd of August, 1790. Nepean an
invalid.
Despatches.

1792.
10 Jan.

In the dispatch which has been written to you by Mr. Secretary Dundas you will find that many of the points to which these letters relate have been fully answered; the rest I shall now reply to in the order in which they stand.

Specie to be
sent.

The remittance which has now been made to you, in consequence of your application, will enable you to discharge any arrears of pay that may be due to such marine artificers as remain in New South Wales. The amount of the several sums due to those who may return will be liquidated here. It was intended that a certain quantity of specie should have been sent to you by the Guardian for this purpose, but circumstances interfered to prevent its being done.

Orders in
Council.

You will receive by the ships which have lately sailed most of the orders of His Majesty in Council which relate to the convicts already sent to New South Wales. Those which remain will be sent to you by the Kitty, and will explain to you the terms or times for which the said convicts have severally been sentenced to be transported.

Oil to be sent.

The accounts received of the rancid state of the butter sent out by the first ships, and the little utility with which that supply was attended, led to a supposition that an article of that sort might be dispensed with. It is, however, determined that, in consequence of your representation, a quantity of oil shall be sent out, which will answer most of the purposes of butter, and can be longer preserved.

Landmark at
South Head.

It is not altogether clear how far the marines were led to expect a supply of spirits for three years after their landing, but as Major Ross may be expected in the course of a few months, any doubts upon that subject may be cleared up, and there can be no question but that satisfaction will be made for any actual engagements on the part of Government which have not been compleatly fulfilled. The commanders of ships hereafter to be dispatched will be apprized of the landmark you have erected to direct their passage into Port Jackson, which, on a coast so little known, appears to have been a measure extremely necessary and proper.

The decrease of the number of sick landed from the Neptune, Scarborough, and Surprise has afforded great satisfaction, and it is hoped that by the care and attention which they have received since their arrival the speedy recovery of the rest will soon be effected.

Several affidavits have been taken since the return of the Neptune respecting the inhuman treatment said to have been offered to these people, with a view to the prosecution of the persons who were the cause of it, and in consequence of which the master, it is reported, has absconded.*

I am, &c.,
J. KING.

THE RIGHT HON. HENRY DUNDAS TO GOVERNOR PHILLIP.*

(Per transport Kitty; received by Governor Phillip, 18th November, 1792.)

1792.
10 Feb.

Sir, Whitehall, 10th February, 1792.

Having written so fully to you by the Britannia, I have at present nothing further to add than that you will receive with this letter by the ship Kitty the several articles specified in the Stores, inclosed bills of lading, numbered 1 and 2.

There will sail at the same time in the Kitty the male and female convicts particularised in the list No. 3, wherein the respective occupations of the former are inserted opposite to their names.

Such further articles as you have particularly required, together with a year's cloathing for the settlement, will be forwarded to you by a ship which I expect will be despatched in about six weeks, and on board which such settlers as have determined to go will embark, with a master miller and carpenter. What the number of the settlers may amount to I cannot at present ascertain, but I think it will fall short of that stated in my last letter, No. 2, as having made proposals to Government. I also inclose you a copy of the Order-in-Council (No. 4) respecting all the convicts now sent (those from Ireland excepted), and concerning whom the Orders-in-Council have not yet been transmitted to me from that kingdom.

I have, &c.,

HENRY DUNDAS.

[Enclosure No. 1.]

A.D.
Governor Phillip.

No. 1—A Chest.
No. 2—A Chest.
—————
2 Chests.

Shipped by the Grace of God, in good Order, and well conditioned, by Alexander Davison, in and upon the good Ship called the Kitty, whereof is Master, under God, for this present voyage, George Ramsay, and now riding at Anchor in the River Thames, and by God's Grace bound for Port Jackson, to say, Two Chests, containing Three thousand Eight hundred and Seventy Ounces of Silver, in Dollars, being marked and numbered as in the Margin, and are to be delivered in the like good Order and well conditioned at the aforesaid Port of Port Jackson (the Danger of the Seas and Pirates only excepted) unto His Excellency Governor Phillip, or to his Assigns, Freight for the said goods being paid, with Primage and Average accustomed. In witness whereof, the Master or Purser of the said Ship hath affirmed to Four Bills of Lading, all of this Tenor and Date, the One of which Bills, being accomplished, the other Three to stand void. And so God send the good Ship to her desired Port in Safety. Amen.

Dated in London, 2d February, 1792.

Contents unknown to G. RAMSAY.

Harpur Street, 8 February, 1792.

ALEX. DAVISON.

1792.
10 Feb.

[Enclosure No. 2.]

[A bill of lading, worded in similar manner to Enclosure No. 1, with the addition of the package numbers in the margin, notifying the shipment on the Kitty of four casks, one hundred and nine cases, twenty jugs, twenty kegs, seventy-three bales, twenty coils, seven pigs lead, six vices, three bick irons, three anvils and one hundred cast-iron pots.]

[Enclosure No. 3.]

[This list specifies fifteen women convicts, of whom two were sentenced to transportation for life and the remainder for seven years, and eleven men of whom two were transported for life and nine for seven years. Of the men by trade three were carpenters, two brickmakers, two bricklayers, one gardener, one joiner, and one blacksmith. In addition to these, fourteen female convicts from Dublin are enumerated without particulars.]

[Enclosure No. 4.]

[A copy of this Transportation Order has not yet been found.]

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per transport Pitt to Bengal, and thence to England.)*

Sir,

Sydney, March 19th, 1792.

19 March.
Despatches.

I have the honor to acknowledge the receipt of your letter marked No. 1, and dated the 5th of July, '91, by the Pitt, in which ship Major Grose arrived with the company of the New South Wales Corps. The Pitt arrived here the 14th of last month, had been very sickly on the passage, and buried thirteen soldiers, seven seamen, twenty male convicts, and nine women.

Convicts per
transport Pitt.

One hundred and twenty male convicts were sick when landed, but I have the satisfaction of finding those who have been received from the Pitt less emaciated, and in appearance fitter for labour, than most of those who have been hitherto received.

Replies to
despatches
anticipated.

In proceeding to answer your letter, I have, sir, to beg leave to refer to mine by the Supply, armed tender, and by his Majesty's ship Gorgon;† they will show the state of the colony, the necessary articles of which we stand in need, my reasons for sending the Supply to England, and the Atlantic, store-ship, to Calcutta; also what may be expected from this settlement respecting the raising a sufficient quantity of flour and maize for the support of its inhabitants. The great necessity of sending out a proper person to be charged with the culture of the ground and with the grain which is raised, until it is deliver'd to the Commissary, has also been mentioned in those letters, there not being any person in this settlement properly qualified for that charge.

Returns have been made by the Commissary of what provisions have been rec'd from the different ships and from Batavia,* but none have ever been received from Calcutta, and from the length of time since a supply from that quarter was mentioned, I had given up all expectation of it before the Atlantic was sent from hence. The vessel sent out in frames has been landed, and I hope that we shall be able to set her up; but for doing which we have only three or four ordinary shipwrights, and it is much to be regretted that the Navy Board did not judge it necessary to send out one or two good shipwrights; and all vessels intended to remain for any time in this country should be coppered, as wooden bottoms will be destroyed by the wormes in less than two years.

1792.
19 March.
Stores received.
Colonial vessel.

When this vessel is set up, she must remain until proper people can be found to man her. I have, sir, in my former letters given an opinion as to the necessity of the ships employed on this station being commanded by King's officers, and from them small vessels may be manned; but no dependance can be placed on convicts.

Many great inconveniences attend our being without any ship on this station, and I should have retained the Supply until that vessel had been relieved; but the carpenters who were on the survey were of opinion that after her going once to Norfolk Island repairs would be necessary which could not be given in this country; consequently the Supply, if not sent home, must have remained useless in the harbour, and I had not any use for her seamen.

The Gorgon sailed from hence the 18th day of December, since which not any material change has happened; and I am very sorry to say that most of the convicts who were received by the last ships† still continue in the same debilitated state in which they were landed, and of whom, in less than seven months, two hundred and eighty-eight men have died. In the seven months prior to the arrival of those ships, the deaths were nineteen. The returns of sick this day is—civil and military, eighteen; male convicts, three hundred and ninety-four; and females, seventeen.

Health of
colonists.

The want of cloathing and of many articles which the Commissary has demanded makes me anxious for the arrival of the ship which was to follow the Pitt. We have not tools sufficient for the people, and the cloathing which has been rec'd for the use of the convicts is so very slight that most of the people are naked a few weeks after they have been cloathed.

Stores required.

The Commissary's return will show the quantity of provisions remaining in store, and you will, sir, easily conceive how much this colony must have been thrown back, and still suffers, from

1792.
19 March.

Live stock
wanted.

having been for such a length of time at a reduced ration. I am very sensible that the colony would have been liberally supplied with every necessary but from events which could not have been foreseen; still, sir, the inconveniences are felt, and people are dispirited, particularly the settlers, for whom live stock is much wanted, in order to enable them to support themselves at the expiration of the time for which they are to be supported from the public store (eighteen months). The public live stock is not sufficient for those settlers to whom I have already granted land; what may be expected by the *Dædalus* is, I fear, very uncertain, and, at any rate, not to be looked for this year. It is also to be apprehended that the *Dædalus*, after so long a voyage, may stand in need of considerable repairs, and the best carpenters we have had in this settlement have left it.

I have, sir, long hoped to see a ship, or a couple of ships, sent from England for the purpose of bringing live stock to this colony, and beg leave to observe that if such a ship as the *Gorgon* was to be properly fitted in England, with only half-a-dozen guns mounted, she would be able to bring ten times more live stock than the colony has hitherto received; but then I suppose no live stock to be on board such ship when she leaves the Cape of Good Hope but what is on the public account and intended to be landed in the settlement.

A few draft horses, and from fifteen to twenty asses, with two or three English rams, are much wanted, and the English ewes would do better in this country than the Cape ewes, which grow too fat to breed. The above animals, with cows, ewes, swine, and a couple of bulls, are the only stock wanted. What we received from the *Gorgon* thrives well, but unfortunately all the bulls died on the passage, and we have not one in the colony.

Superior settlers
wanted.

I have, sir, in all my letters pointed out the great advantages which would attend our having a few intelligent farmers as settlers. They would do more for the colony than five hundred settlers from soldiers or convicts, very few of whom are calculated for the life they must necessarily lead in this country, where they are so entirely cut off from the gratifications in which most of them have always placed their happiness; but I do not think that so great an encouragement is necessary to be given at present to settlers who may be sent out as there was at first. I think those who are to be supported from the public store should not receive that support for more than eighteen months, in the room of two years, as I find proposed, and that at the expiration of the eighteen months they should return all the convicts they may have been allowed, or pay for their hire (*in grain*) if they retained them any longer.

What I feared from the kind of settlers I have been obliged to accept has happened in several instances. They have grown tired of a life so different to that in which they had been brought up, and wish to give up their grounds, or have sold the little live stock they had raised to procure articles for which they do not reap any real benefit, and which they find means of getting from the ships. But, of fifty-eight settlers who have been placed round Parramatta, only half-a-dozen have hitherto come under this description, and four convicts, whose times being expired, became settlers, now support a convict each, who works for them.

1792.
19 March.
Conduct of
settlers.

One settler went away when the last ships sailed, and two more have left their grounds and gone on board the Pitt, and I have just received an account of twenty-two men and nine women who are received on board that ship, the terms for which they had been sentenced being expired. Thus will the best people always be carried away, for those who cannot be received on board the ships as seamen or carpenters pay for their passage.

The maize, which is now getting in, turns out much better than could have been expected from the dry weather and the late season in which it was put into the ground. Mills for grinding this grain are much wanted. The iron mills which have been sent out are very soon rendered useless; they are said to be not of the best kind, and the people who use them cannot be supposed to be the most careful. A windmill will save an infinite deal of labour.

The harvest.

The wheat of last year (about four hundred bushels) has been issued to the people; the wheat of this year's growth, which is estimated at five hundred bushels, and seventy bushels of barley, will be kept for seed. I suppose that about nine hundred acres of ground will be sowed this year with maize and wheat; but little labour is done at present, for the people are in general very weak. The ration now issued is, to a man for seven days, five pounds of flour and four pounds of pork; at which ration we have flour for fifty-two days and pork for one hundred and forty-seven days.

Rations.

At Norfolk Island, from a mistake made by the storekeeper, they did not receive their full proportion of beef and pork when the last supplies were sent to the island; but seven weeks' beef and thirteen weeks' pork (at the established ration), with what stores and cloathing can be spared, are now shipped on board the Pitt, and that ship will sail for the island in a few days. The owners of the Pitt are to be paid six hundred and fifty-one pounds freight for the provisions, &c., which the ship carries; and the master having offer'd to proceed to Calcutta, and take his chance

Stores at
Norfolk Island.

1792.
19 March.

Stores from
India.

of being hired to bring the provisions to this settlement which have been ordered by the Atlantic, if from any accident that ship should have been prevented reaching Calcutta, I have availed myself of this offer, it not being attended with any expence to the Crown. He proceeds to Calcutta immediately after landing what he has on board for Norfolk Island, and I have sent duplicates of my letters which went by the Atlantic to Lord Cornwallis and Messrs. Lambert & Co., from whom the provisions were to be purchased, so that we may be pretty certain of receiving the flour and pease which have been ordered; but I shall not think it necessary to send for any further supplies, as I understand by your letter that another ship was to follow the Pitt, and that the colony would be furnished with what might be judged requisite.

If it should appear that I have too frequently adverted to our wants, my being probed by the wants of every individual, and what I feel still more, the knowing how much might have been done in the time I have been in this country, and in how very different a state it would have been had we been more fortunate in receiving the necessary supplies and a few intelligent men, so very requisite in a young colony, will, I hope, plead my excuse.

Report on
land.

The extraordinary accounts which have been given of this country have induced me frequently to enter into little details wh. I thought might lead to the forming a just opinion of it. And I now, sir, inclose the copy of a letter which does not, I believe, give a more favourable account of the soil than what it deserves, for when I ordered the ground to be examined I particularly directed the report to be made with such caution that on any future examination the soil might appear in every part to be to the full as good as it should be represented.

The person who has examined the ground was sent out in the Gorgon as a superintendant, was brought up a gardener, and has been for several months employed in surveying and marking out allotments of land for the settlers, and he is a very steady man, and may be supposed to be a much better judge of the good or bad qualities of the ground than any of those persons who have hitherto given their opinions.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

Parramatta, February 24th, 1792.

IN obedience to your Excellency's directions, I have attended to the land at and round Parramatta,* and it is my opinion that where the thirteen settlers are, at the foot of Prospect Hill, the land is excellent. It is a black rich light soil, in depth from four-

* Note 193.

teen to twenty inches, and for a considerable distance to the southward, westward, and eastward of those settlers the land is very good.

Where the four settlers at the northern farm are,* and for several miles to the northward and to the eastward of them, the ground is very excellent. It is a fine rich clammy light loam, from fifteen inches to two feet in depth.

Round the fifteen settlers at the Ponds, at the Field of Mars, where the eight marine settlers are placed, and where the nine eastern settlers† are, the land is a very good light loam of a middling depth. Ruse's, Williams's, and Stewart's grounds are exceeding good; Schaffer's, Webb's, and Reid's allotments‡ are of a middling quality, inclining to a loamy sand.

It appears to me that all the above settlers will succeed very well, excepting two at Prospect Hill—John Silverthorn, who employs his time chiefly in working for the other settlers, and Thos. Martin, a person entirely ignorant respecting agriculture; and at the Ponds, Thos. Kelly, Jos. Marshall, and Edward Elliott; they are persons who cultivate their ground in a very slovenly manner, and are very dilatory.

The above five named have complained that their ground is bad, and will produce nothing. I have carefully examined into it, and I find it to proceed from the before-mentioned causes, and not from sterility in the soil.

I likewise have attended to the nature of the ground at the new farms, where I find several hundred, yea, some thousands, of acres of very good land fit for cultivating.§

The ground in cultivation at Parramatta is good, inclining to sand, and the greatest part of what is enclosed for cattle is of a middling quality, very fit for pasture.

I beg leave to observe here that where the different species of red gum-trees grow the earth has a great portion of oils mixed with it, and unless the ground is properly worked and turned over to meliorate and dissolve those oils, the first crop will come to little account.

DAVID BURTON,
Superintendent.

* *Marginal Note by Governor Phillip.*—Little more than 1 mile to the northward of the town.

† *Marginal Note by Governor Phillip.*—The 15 settlers are from 2 to 3 miles to the N.E. of Parramatta. The Field of Mars is at the entrance of the creek leading to Parramatta. The nine settlers are from 4 to 6 miles to the east of Parramatta.

‡ *Marginal Note by Governor Phillip.*—These farms are near the town and on the creek, except the first.

§ *Marginal Note by Governor Phillip.*—These are public grounds at from 2 to 3 miles to the westward and north-west of Parramatta.

Time and Settlement.

Time and Settlement.	Free People.		Settlers from.		Emancipated.		Convicts.			Numbers on the different ration.				Numbers victual'd from the Public Stores.		Whole number at Full Ration.		Numbers in the different Settlements.	Weeks Provisions in Store at the established ration.				
	Men.	Women.	Free People.	Convicts.	Men.	Women.	Men.	Women.	Children.	Natives victual'd from the Stores.	Whole.	Two-thirds.	One-half.	Quarter.	Numbers victual'd from the Public Stores.	Whole number at Full Ration.	Numbers in the different Settlements.		Flour.	Beef.	Pork.	Pease.	Butter and Oil.
18 March, 1792—	3	6	..	..	2	..	540	202	58	7	820	241	32	51	1,144	1,010	1,149	}	4 5 days.	..	2 1 days.	..	..
Sydney .....	..	12	11	43	5	1	1,565	158	47	..	1,700	177	12	23	1,912	1,830	1,919		4 5 days.	..	13 2	..	..
Parramatta.....	..	1	..	..	..	..	40	4	3	..	41	6	4	1	52	47½	..	1 4	7	..	..	..
To be sent to Norfolk Island in the Pitt .....	..	1	..	..	..	..	553	261	89	..	716	276	41	51	1,084	933	1,084	9½	..	22	..	..
16 January, 1792—	3	6	62	14	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Norfolk Island, as per return .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

JNO. PALMER, Commissary.

1792,
19 March.

1792,
20 March,

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.
(Per transport Pitt to Bengal, and thence to England.*)

Sir, Sydney, New South Wales, 20th March, 1792.

Provost Marshal
at Norfolk
Island.

I have the honour to inform you that I have appointed Mr. Fane Edge,† who has for some time done the duty of Town Adjutant at this place, to be Provost-Marshall of Norfolk Island, until his Majesty's pleasure is known; such an officer being much wanted on the island, and the person I have appointed being properly qualified for that office, I beg leave to recommend him for a confirmation of the appointment, with such salary as may be judged proper.

Registrar of
Vice-Admiralty
Court.

I have, sir, also appointed Mr. Richard Atkins† to be Registrar of the Vice-Admiralty Court, in the room of the late Commissary Miller, deceased, who held that office, and beg leave to recommend him likewise for confirmation.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per transport Pitt to Bengal, and thence to England.)*

28 March,

Sir, Sydney, New South Wales, 28th March, 1792.

Illicit trading
at Port Jackson.

Major Grose informed me that while the Pitt lay at the Cape of Good Hope he was told by Mr. David Wather, late captain's clerk of the Sirius, that the master of the snow Waak-samheyd, on board of which he was then a passenger, declared to him that he could at any time have purchased whatever he wanted from the stores at Port Jackson, during his stay there, from those who were entrusted with them, or who had the issuing them, producing at the same time some articles which he said he procured from the stores; and as two of those people, since her departure, have left the settlement, their times being expired, I have sub-joined their names, and the places where they were convicted, in order that they may be taken up, and such enquiry made as may discover if any person now employed at the stores was concerned with them in such nefarious practices.

I have not received any information from Captain Hunter or any other officer of the ship on this head, which I rather wonder at, as it must occur to every one that such an evil might exist for a long time undiscovered, and could not be too soon pointed out.

I am, &c.,

A. PHILLIP.

William Hubbard, tried at Kingston, 24th of March, 1784, and was employed here in writing under the Commissary. John Parker, tried at the sessions for Middlesex, 21st April, 1784, and was, from his landing here in 1788, employed in issuing stores.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per transport Pitt to Bengal, and thence to England.*)

1792.
29 March,

Sir, Sydney, March 29th, 1792.

I have had the pleasure of receiving yours by the Pitt, dated 12th of March, '91, informing me that the necessary steps would be taken to replace the provisions and stores intended for this settlement which Captain Blankett had caused to be appropriated to the supply of his Majesty's ships Leopard and Thames, and for furnishing this colony with the necessary supplies of provisions.

Despatches.

I am now, sir, anxiously waiting the arrival of those supplies and what I expect by the Atlantic from Calcutta, for very little labour is to be got from men who are not amply supplied with food; still less when those men have not been used to regular labour, and are worn out by want and long confinement before they are landed in this country. At present the hours of labour for those who are employed in clearing and cultivating the ground are only from five till nine in the morning, and from four till half-past five in the afternoon. You will, sir, readily conceive that the work cannot be very great which men will perform in the above time, who are complaining of hunger when called forth to labour.

Provisions
urgently
wanted.

What wheat was grown last year has been issued to the people; what has been raised this year is kept for seed, from five to six hundred bushels. It is supposed that the maize grown this year will be about five thousand bushels when housed; but a very great quantity has been stolen. What is not necessary for seed will be issued to the people, so that if no accident happens to the Atlantic, or the ships expected from England, the present ration, which is 5 lb. of flour and 4 lb. of pork for a man for seven days, will not be lessened, as the maize will, for a time, supply the want of flour; and any apprehensions of wanting bread in this colony will be done away very soon, after a proper person to superintend the convicts employed in agriculture and a few settlers arrive. But no idea can be formed as to the time in which supplies of salt provisions will be no longer necessary; we have very little public live stock in the settlement, and little is to be expected from the Dædalus, nor that little for a twelvemonth to come, and it is more than probable that the Dædalus will have to return to the Sandwich Islands; nor do I understand that any black cattle are to be expected, and which I presume would be much less expence to Government if brought from the Cape of Good Hope in a forty or fifty gun ship properly fitted for such a service than if procured by any other means.

The harvest.

Ration.

* Note 189.

1792,
29 March,
Return of
Commissariat.

The Commissary's return of the provisions remaining in store (in which what has been received from the Pitt and what has been purchased from the commander of that ship are included) and of the number of people in the colony is inclosed in my letter to Mr Secretary Dundas, and by which it will appear that our numbers here and at Norfolk Island amount to three thousand two hundred and seventy-seven males, six hundred and ninety-one females, and two hundred and twenty-four children. A great quantity of provisions are consumed daily by such a number of people, and nine or twelve months' provisions brought by the transports for the three or four hundred convicts they are bringing out last but a short time when divided amongst such numbers.

The beef and pork brought out in the Pitt is only sufficient to last the colony forty days.

Weekly issue of
provisions.

When the stores may permit the issuing the established ration, the weekly expence, according to our present numbers, will be—of flour, 30,560 lb.; of beef and pork, 21,010 lb.; of pease, 179 bushels; and of butter, 1,432 lb.; and our numbers will be increasing. Of the last two articles, no supply has been received since the settlement has been made, except the small quantity sent out for the Sirius. Butter may be dispens'd with; but for people who live the year round on salt provisions pease are a very necessary article, and they make a very considerable part of the established ration.

It is impossible to say what quantity of flour and pease may be brought in the Atlantic. I should hope full sufficient to serve the colony seven months.

For salt provisions, I depend intirely on the necessary supplies being sent from England, and as I am informed by the letters which I have received by the Pitt that the colony will be furnished with such further supplies as we may be supposed to stand in need of, and which may be expected very shortly to arrive, I shall not send to India or elsewhere for any further supplies, unless I should receive directions for that purpose. If any supplies have been sent from Calcutta, and which Mr. Secretary Dundas supposes by his letter, the ship must have met with some accident; and from the distance this settlement is from any relief, and not being at present able to support its inhabitants, the distress which must follow the loss of a store-ship can only be guarded against by having a certain quantity of provisions in store.

After the loss of the Guardian, we were very near losing the greatest part of what provisions have been received since that time. The Lady Juliana in standing into the harbour with a

strong southerly wind got so close to the North Head that nothing saved that ship but the set of the tide; and the Justinian unexpectedly saw the land under her lee, in a gale of wind, and was obliged to anchor on the coast, very fortunately so near the rocks that the return of the sea prevented her riding any great strain on her cable. Had those two ships been lost, the colony must have suffered very severely indeed.

1792.
29 March.
Transports
almost wrecked.

I hope that the Atlantic, and the ship which was to follow the Pitt, will arrive safe, for people are alarmed at thinking that if a single ship fails they have no resource; and when the length of time this settlement has been made, and its being still dependant on the mother country for the necessaries of life, are adverted to, I hope the causes will be recollected; and amongst others, that it has been on a reduced ration since November, '89; rice was served for a short time to make up for a deficiency of other articles, but it was rice which was too bad to have been issued but in a case of necessity. I should not, sir, return to the subject, but that the settlement does not get forward, as it otherwise would do, and the necessity of continuing to send out provisions is likely to be continued to a much greater length of time than would otherwise be necessary. I am obliged to send the Pitt to Norfolk Island, where they must have been on a very short ration for some time; and was I to send that ship to procure supplies, either from India or the Cape, after she leaves the island, we should not receive them before November.

Alarms of the
colonists and
the causes.

The information given in my former letters respecting the prospect there was of establishing a spermaceti whale fishery on this coast was drawn from the accounts I received of the great number of fish which had been seen by two of the whalers. None of those ships remained out but for a very short time; but when the Britannia sailed, the master of that vessel told me he intended to remain three months on the coast, in order to give it a fair trial, that he had no doubt of seeing fish, but feared the currents. From some information which I have received since that ship sailed, I fear that the fur trade on the north-west coast of America and the trade amongst the islands is too great an object to those who are employed in the fishery ever to admit their giving this coast a fair trial, and apprehend that all the ships have left it. Should a fishery ever be established on this coast, and which I should suppose likely to answer as well as the one which has been established many years in the Brazil (at Sta Catharina and Rio de Janeiro), I think it would be found to answer best if carried on in small vessels, as it is from Rio de

Prospects of the
whale fishery.

1792.
29 March.

Janeiro; and with respect to the currents, I believe they are neither more frequent nor stronger than what they are on the Brazil coast.

I have, &c.,

A. PHILLIP.

Copies of my letters by the Pitt, to Earl Cornwallis and to Messrs. Lambert & Co., are inclosed.

[Enclosure No. 1.]

GOVERNOR PHILLIP TO LORD CORNWALLIS.

My Lord, Sydney, New South Wales, 20th March, 1792.

Shipping
from India.

I had the honour of communicating to your Lordship the instructions I had received from his Majesty's Secretary of State for the Home Department, respecting any supplies which might be purchased in India for the use of this colony by Lieutenant Bowen, a naval agent, who sailed from hence in October, 1791, with orders to proceed to Calcutta in the Atlantic, store-ship, for the purpose of purchasing flour and pease for the use of this settlement. Since the departure of that ship the Pitt has arrived at this port, and after landing her cargo was to have gone to Madrass and Bombay on the owners' account; but her commander having offered to proceed first to Calcutta, at the risk and expence of the owners of the ship, in order to take his chance of being hired by Messrs. Lambert, Ross, and Biddulph, to bring provisions to this settlement if, unfortunately, any accident should have happened to the Atlantic in her passage from hence, I have availed myself of that offer, and have the honour to inclose your Lordship a copy of my former letter, and the instructions given the agent for procuring the necessary quantity of provisions.

A. PHILLIP.

[Sub-enclosure No. 1.]

[A copy of this letter from Governor Phillip to Lord Cornwallis has not yet been found.]

[Sub-enclosure No. 2.]

[Bowen's Instructions were forwarded as enclosure No. 3 to the despatch of Governor Phillip to Lord Grenville, dated 5th November, 1791.]

[Enclosure No. 2.]

GOVERNOR PHILLIP TO MESSRS. LAMBERT, ROSS AND BIDDULPH.

Gentlemen, Sydney, New South Wales, 20th March, 1792.

I wrote you by the Atlantic, store-ship, which sailed from hence the 26th of last October, under the orders of the Naval Agent, Lieutenant Richard Bowen, who was instructed to apply

to you on his arrival at Calcutta for the provisions which were wanted for the use of this colony, the quantity and quality of which were pointed out in his instructions, copies of which, as well as of my former letter, are enclosed.

1792.
29 March.
Stores from
India.

Since the Atlantic sailed the Pitt has arrived here, and having landed her cargo was to have proceeded, on the account of her owners, to Madrass and Bombay; but her commander having offered to proceed first to Calcutta, in order to offer the ship for the purpose of bringing the provisions to this settlement which have been ordered by the Atlantic, if that ship should unfortunately have met with any accident in her passage from hence, which may have prevented her arrival at Calcutta, I have availed myself of that offer; but in that case would wish to receive the provisions wanted, on the conditions proposed by you in a letter to Lord Sydney, dated from Calcutta, the 19th of August, 1790,* that is at a stipulated price, the freight and risk being on your account.

You will see by what I have already said, that no kind of engagement or promise has been made which any ways binds you to give the preference to the Pitt, if unfortunately the Atlantic has not arrived, but in which case I have to request that no time may be lost in forwarding the supplies which have been demanded, and if the Atlantic has left Calcutta, unless you have received directions from England for sending provisions to this settlement, nothing more is immediately wanted, but what has been ordered by the Atlantic, as I presume further supplies will be sent from Europe.

A. PHILLIP.

[Sub-enclosure No. 1.]

[*This document was forwarded as enclosure No. 3 to the despatch of Governor Phillip to Lord Grenville, dated 5th November. 1791.*]

[Sub-enclosure No. 2.]

GOVERNOR PHILLIP TO MESSRS. LAMBERT, ROSS, AND BIDDULPH.

24th October, 1791.

[*A copy of this letter has not yet been found.*]

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per transport Pitt to Bengal, and thence to England.†)

Sir,

Sydney, March 31st, 1792.

31 March.

I inclose a return of the Superintendants of Convicts, doing duty in this Colony, and am with great esteem,

Sir, &c.,

A. PHILLIP.

* Note 195. † Note 189.

[Enclosure.]

1792.
31 March.

RETURN of Superintendants of Convicts.

31st March, 1792.

Names.	Where and how employed.
Philip Divine	Sydney.
Thomas Clark	Has the Care of the Convicts employed in Cultivation at Parramatta.
Thomas Daveney...	Ditto.
John Livingston....	Employed as a Master Carpenter.
Jno. Thos. Dodge ..	Norfolk Island.
Andrew Hume.....	Ditto.
David Burton	Marking out Allotments of Land for Settlers at Parramatta.
James Bloodworth.	Appointed Superintendant over the Brickmakers, and Bricklayers, the first of September, 1791.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per transport Pitt to Bengal, and thence to England.*)

Sir,

Sydney, March 31st, 1792.

Phillip's
resignation.

I have the honour to inclose a triplicate of my letter to Lord Grenville; and as my bad state of health continues, without any hopes of a change for the better, have to request that you, sir, will move his Majesty to be graciously pleased to grant my request, if it has not been complied with before the receipt of this letter.†

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO SIR GEORGE YONGE.

31st March, 1792.

[A copy of this despatch has not yet been found.]

UNDER SECRETARY KING TO GOVERNOR PHILLIP.

? April, 1792.

[A copy of this letter, which enclosed the Estimates‡ for the financial year 1792-1793, has not yet been found.]

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per transport Pitt to Bengal, and thence to England.*)"

Sir,

Sydney, 5th April, 1792.

5 April.
Additional
company for
N.S.W. Corps.

In my letter of the 7th of November, 1791, to Lord Grenville, I mentioned that the raising of the company to be annexed to the New South Wales Corps had not been effected. I have now, sir, the honour to inform you that most of those marines

* Note 189. † Note 196. ‡ Note 195a.

who were selected to remain until a sufficient force arrived for the service of this country have offered to enlist and form a company annexed to the New South Wales Corps, under the command of Captain-Lieutenant George Johnston, whom I have nominated to the command of the company, conformable to his Majesty's pleasure signified to me by Lord Grenville, and which officer was intended to have been nominated to the command of the company in the first instance, if it had been then raised.

The men who will form the majority of this company are men who were picked from the detachment of marines as good soldiers, and I beg leave to assure you, sir, that the officer whom I have nominated to the command of the company is in every respect deserving of the bounty which his Majesty has been graciously pleased to authorize me to bestow.

The lieutenantancy and ensigncy will of course remain vacant until officers are appointed from England, and Major Grose has requested that I wd recommend the eldest ensign, William Cummings, for the lieutenantancy, and Quarter-master Thomas Laycock, as an officer of merit, for the vacant ensigncy. I have, &c.,

A. PHILLIP.

UNDER SECRETARY KING TO GOVERNOR PHILLIP.

(Per transport Royal Admiral; acknowledged by Governor Phillip, 11th October, 1792.)

Sir,

Whitehall, 15th May, 1792.

15 May.

Inclosed I transmit you copies of agreements made with Wm. Peat, the master carpenter, and Thomas Allen, the master miller, mentioned in Mr. Secretary Dundas's letter to you of this date.

Master
carpenter and
master miller.

A settler of the name of Jameson, a farmer, with his wife and child, accompanies them in the Royal Admiral.

The observations made by the Commissary respecting the articles which have already been sent out will be attended to in the future purchase of articles for New South Wales.*

I am, &c.,

JOHN KING.

[Enclosure No. 1.]

[A copy of the agreement with Wm. Peat, master carpenter, has not yet been found.]

[Enclosure No. 2.]

AGREEMENT WITH MASTER MILLER.

AN agreement entered into and made the fourteenth day of May, in the year one thousand seven hundred and ninety-two,

* Note 197.

1792.
15 May.

Agreement
with master
miller.

between Alexander Davison, of Harper-street, in the county of Middlesex, and Kingdom of Great Britain, esq're, in virtue of a letter or authority to him from John King, esq're, one of his Majesty's Under Secretary's of State for the Home Department (on behalf of Government) of the one part, and Thomas Allen, now belonging to or employed in the King's mills at Rotherhithe, in the said county of Surrey, miller, of the other part, as follows:—

First the said Thomas Allen doth agree with the said Alexander Davison that he will embark on board of the Royal Admiral for New South Wales to act as a master-miller in his Majesty's service in mills in that country, for the space of four years, commencing from the day of his embarkation to the said country, when he shall be called upon for that purpose. And in consideration of which the said Alexander Davison doth promise and agree that he will find, or cause to be found, for the said Thomas Allen, good and sufficient clothing and provisions during the whole of the said term of four years, commencing as aforesaid, and will also pay, or cause to be paid to the said Thomas Allen, as a salary for such his service, the annual sum of fifty-two pounds ten shillings, by even half-yearly payments during the said term of four years, the first payment thereof begin and be made at the expiration of half a year after his embarking for the said country, and shall and will pay, or cause to be paid, the expences of conveying the said Thomas Allen to the said settlement. And in case the said Thomas Allen shall, during the whole of the said term, serve in the capacity and place aforesaid, that he, the said Alexander Davison, will pay all his expences of returning to England at the expiration thereof, or otherwise occasion a free passage to him. And the said Alexander Davison doth hereby require, authorize, and empower Arthur Phillip, esq're, Governor of the said colony, to provide for the said Thomas Allen such good and sufficient clothing and provisions as aforesaid during the said term, and to pay the said salary, as the same shall become due for such service, as aforesaid, to the said Thomas Allen, his executors, administrators, or assigns, and also to pay such eventual expences of the voyage of the said Thomas Allen from the said colony as aforesaid. And the said Thomas Allen doth hereby further covenant, promise, and agree that he, the said Thomas Allen, will well and truly conduct, demean, and behave himself in his said business or employ of a master-miller in his Majesty's service as aforesaid, for and during the full term of four years, commencing as aforesaid. And, lastly, the said parties do agree with each other that in case either of them shall not well and truly perform this agreement, and carry it into

execution as aforesaid, that the party non-performing the same shall and will forfeit and pay to the other of them the sum of one hundred pounds as soon as may be after such default.

1792.
15 May.

In witness whereof we have hereunto set our hands and seals at London, the day and year first above written.

ALEXR. DAVISON.

THOS. ALLEN.

Sealed and delivered (being first duly stamped) in the presence of,— Witness—JOHN CLARKE.

THE RIGHT HON. HENRY DUNDAS TO GOVERNOR PHILLIP.

(Per transport Royal Admiral; acknowledged by Governor Phillip, 11th October, 1792.)

Sir,

Whitehall, 15th May, 1792.

I have received and have had the honour of laying before his Majesty your letters of the numbers and dates mentioned in the margin,* by the Waaksamheyd and the Supply, tender, which, notwithstanding the different periods they set out at from New South Wales, arrived here at the same instant.

Despatches.

As the Royal Admiral, East Indiaman, which carries this dispatch, sails immediately, the shortness of the time will not allow me to answer you so circumstantially as I otherwise should do as to the several particulars you have communicated to me.

Of these, the treatment of the convicts on board the Queen, and the conduct of the transports in carrying out copper, iron, and such other articles as you have mentioned, are the most material. As to the first, I highly approve of the examinations you have taken and transmitted to me.†

Treatment of
convicts on the
Queen.

I shall, in consequence, take care, whenever the persons concerned return home, that justice be done.

I have, on the same principle, thoroughly investigated, and have taken the necessary steps to bring forward the conduct of the parties concerned in the treatment of the convicts on board the Neptune, Scarborough, and Surprize.‡

In the second
fleet.

The articles clandestinely carried out by the transports and not delivered in New South Wales, in point of fact, are to be considered as belonging to the Navy Board, and therefore, altho' I recommend your caution, yet I should have been better satisfied with your having made a seizure of them.§

Private ship-
ments in the
third fleet.

* No. 1—1st March, 1791; No. 2—4th March, 1791; No. 3, 5th March, 1791; No. 4—15th March, 1791; No. 5—25th March, 1791; No. 6—26th March, 1791.

No. 1—5th November, 1791; No. 2—7th November, 1791; No. 3—ditto; No. 4—8th November, 1791; No. 5—15th November, 1791; No. 6—22nd November, 1791; No. 7—24th November, 1791; No. 8—25th November, 1791. Separate—21st November, 1791; ditto, 22nd November, 1791.

† Note 198. ‡ Note 187. § Note 199.

1792.
15 May.

Transport ships
to belong to
East India
Company.

The whale
fishery.

It is proposed for the future, to transport both the convicts and such articles for the settlement as shall be sent from hence by ships in the service of the East India Company, and I trust that by this means the evils which have hitherto subsisted will be put an end to.

The quantity of spermaceti whales found on the coast may eventually become an object of great consequence to the settlement, and be a means of extending the communication betwixt it and this country (as well as others) much beyond that necessary degree thereof which attains at present. It may, therefore, in future become expedient to make such local regulations as to the admission of certain commodities, such as spirits, &c., as may be found requisite, but for the present I should apprehend that the port orders, carefully executed, will be sufficient.

Such remaining articles as the colony may stand in need of, and such settlers as are inclined to go (and to induce whom all reasonable encouragement has been held out) will be sent in another East Indiaman, orders for taking up which have already been given to the Navy Board.

Stores.

In recurring to the articles intended for the Pitt and comparing them with those contained in the list now transmitted by you and Mr. Palmer, I observe that many of them are of the same kind. I hope therefore, as all those articles shut out of the Pitt will arrive by the *Britannia*, *Kitty*, and *Royal Admiral*, that your immediate wants will be supplied. I have nevertheless taken the proper steps to procure immediately an assortment of the different articles contained in the Commissary's list above-mentioned, and if by any means the same, or any part thereof, can be put on board the *Royal Admiral*, it shall be done. At all events, they shall be sent by the next Indiaman.

I take this opportunity of desiring that in future the Commissary's list of articles wanted may contain, for the information of his Majesty's Secretary of State, the number, or quantity, of each article opposite the same.

Reports
satisfactory.

The accounts you give of the general state of the settlement, and of the conduct of those that compose it, are extremely satisfactory, and I trust a short period will render it, in a great measure, independent of this country, as to the mere articles of subsistence. The two great and primary objects are grain and live stock. Until a sufficient quantity of these can be raised for the use of the settlement, the real amount or effect of its exertions cannot be ascertained. To obtain these on the most reasonable terms, and with the greatest expedition, I am of opinion that recourse must be had to the settlement of Fort William.* The various species both of grain and live stock from thence must, I

* Note 200.

conceive, be well adapted for New South Wales. I propose, therefore, giving such directions on this point as to lead to your receiving from them a supply of those articles from time to time.

1792.
15 May.

I shall enclose* in this letter an account of the different articles of cloathing, stores, and provisions, which accompany it, as also a list of the convicts, with the times for which they are respectively transported.

Invoices and
indent papers.

A master carpenter and a master miller are hired for the service of the settlement, and will sail in the Royal Admiral, if they can be received on board, if not, certainly in the next Indiaman.

Carpenter and
miller.

There will likewise by this or the next opportunity be consigned to you, a certain quantity of port wine and tobacco, to be disposed of by the Governor for the time being to the civil and military officers, and to others, at prime cost, according to his discretion; at the same time will be sent an allowance of rum for the non-commissioned officers and privates.

Tobacco and
spirits.

I am happy to find that by the Kitty, such convict artificers were sent as you have stated the settlement to be most in want of.

In consequence of the observations of Mr. Palmer on the articles which have been purchased for the settlement by Mr. Alexander Davison, I have thought proper to give directions for the inspection of such articles as are intended for New South Wales previous to their being put on board.†

Stores to be
inspected.

I cannot conclude this letter without assuring you how much I lament that the ill state of your health deprives his Majesty of your further services in the Government of New South Wales, and I have only to hope that, on quitting the settlement, you will have the satisfaction of leaving it in a thriving and prosperous situation.

Phillip's
resignation.

HY. DUNDAS.

P.S.—Considering the small number of acres capable of cultivation in Norfolk Island, and at the same time their fertility, I think it expedient that the allotments to settlers in that island should not exceed fifteen acres.—HENRY DUNDAS.

Area for grants
at Norfolk
Island.

COMMISSIONERS OF THE NAVY TO GOVERNOR PHILLIP.

(Per transport Royal Admiral; arrived Port Jackson, October 7th, 1792.)

Sir,

Navy Office, 17th May, 1792.

17 May.

We have received your letters of the 24th and 29th July, 6th and 22nd August, 1790, the 7th and 12th of March and 9th November, 1791, by the Supply, armed tender, and the Waak-samheyd, transport, with the papers inclosed. The former came by way of Cape Horn, and arrived at Plymouth the 21st last month, and the latter by Batavia, and arrived the day after at

Despatches.

* Note 201.

† Note 197.

1792.
17 May.

Charter-parties
to be amended.

Division of
control.

Charter of the
Royal Admiral.

Private ship-
ments in the
third fleet.

Portsmouth. We have sent copies or extracts of your several letters to the Right Honourable the Lords Commissioners of the Treasury for their Lordships' consideration and directions, and in consequence thereof have received the following orders:—To oblige the owners in our future contracts (if the ships shall not be of too great a draught of water for the navigation) to deliver the cargoes, or such parts thereof as you shall think proper, either at Port Jackson or at Norfolk Island; and if it is necessary for those ships to carry ballast, to take in limestone as such, and instruct the masters to keep their ship in proper sailing trim whilst delivering their cargo, to avoid the delay you complain of, all which we shall attend to. The reducing the size of the casks and packages intended for Norfolk Island is a matter which rests entirely with the Secretaries of State. The stores and provisions are provided by their orders, and the directions given us have been confined merely to taking up shipping to convey them to New South Wales, without any signification that a part of them were to be landed at Norfolk Island, so that when they arrived at Port Jackson we concluded the ships would have performed the service required, and therefore we agreed that they should be discharged there, which reduced the freight much lower than it would have been had they been obligated by their charter-parties to go to Norfolk Island.

Mr. Alley, surgeon, whom we have appointed to superintend the convicts and assist the surgeon on board the Royal Admiral, East India ship, will deliver to you a copy of a charter-party for that ship, with accounts of the provisions and stores put on board her for the use of the settlement. This ship being also chartered by the East India Company to bring home teas, and to be in China in January, 1793, and the season for her sailing hence being far advanced, the owner could not admit of longer time than is stipulated for the landing the convicts and discharging her cargo; and we hope, with the assistance you may be enabled to afford, the whole will be compleated so as to prevent her coming upon demurrage.* We have desired the owners to enjoin the captain and officers to be particularly watchful to guard against any convicts or other persons secreting themselves on board the ship, or of being received on board her without your particular orders, as we shall not finally settle the freight until your certificate is produced that they have not taken any on board, which we desire you will please to grant in case you have no objection.

We shall properly investigate the matter respecting the copper and other articles taken on board the Albemarle, &c., &c., on account of the owners, before we settle with them for the freight.

We have received two letters from Mr. Palmer, Commissary, with the several accounts enclosed. We are, &c.,

1792.
17 May.

HENRY MARTIN. GEO. ROGERS.
J. HENSLOW.

P.S.—Not being able to procure in time from the shipper an account of the stores he has put on board the Royal Admiral, we refer you to the bills of lading, w'ch you will receive from him.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England.*)

Sir, Sydney, New South Wales, 26th June, 1792.

26 June.

I have forwarded the samples of shoes, blankets, shirts, trousers, frocks, handkerchiefs, and cottons which have been received from Messrs. Lambert and Ross, also "two shirts, one frock, and one pair of trousers, received as samples, from Mr. Biddulph, of Calcutta." His shirts, the frocks, and the trousers, which are distinguished by a seal, and packed separate from the rest, appear to me likely to answer; and I beg leave to observe that most of the cloths and the osnaburghs which have been sent out are by much too slight to answer the purpose for which they were intended. I have directed the Commissary to put up samples of the osnaburghs that they may be compared with the cottons which we have received from Calcutta.

Samples of
supplies from
Calcutta.

For shirts, the osnaburghs are very badly calculated, and when made into frocks or trousers have not a month's wear in them. It is also necessary to observe that many of the bales of clothing have been greatly damaged, and the Commissary informs me that he has opened but few bales of osnaburghs which have not had several damaged pieces in the middle of the bale, probably from having been damp and heated. If a contractor in India will furnish this colony with trousers, frocks, and shirts as good as those which have been before-mentioned as marked with a seal, and packed separate, at the prices affixed to each of these articles, I think it would be a great saving to Government, as they would be delivered here at the expence and risk of the contractor; but in that case they must be made of a proper size, the samples being much too small.

I would wish to receive the clothing ready made, as we can now find full employment for all the women as hutkeepers, or at labour in the fields; and to which other reasons might be added; there are many little abuses in the cutting out and making up of clothing which cannot be done away until a proper building is erected for that purpose, and a proper person found to superin-

Difficulties in
making
clothing.

1792.
26 June.
Difficulties in
making
clothing.

tend it. The women in general marry, and if their husbands are employed in the fields, their attendance in their huts is necessary, and most of them have children; and the quantity of clothing immediately necessary whenever the store-ships arrive is now become so very considerable that I find it impossible (having the clothing to make) to supply the convicts regularly at stated periods.

Frocks, trousers, shirts, shifts, gowns, and petticoats might, I presume, be made in India for this colony, and by introducing one stripe of a different colour from the rest, prevent what is intended for the convicts from being sold to the soldier or the settler; and such distinguishing mark should be put on everything intended for the use of the convicts.

A copy of Mr. Biddulph's letter to me is inclosed. To what Messrs. Lambert, Ross, & Co. might have had to offer on that head I am a stranger, as Lieutenant Bowen was obliged to sail without having received his letters, or a copy of the contract made on purchasing the provisions for this colony, and for which he had waited at the mouth of the river as long as he judged it prudent.

I am, &c.,

A. PHILLIP.

[Enclosure.]

MR. ROBERT BIDDULPH TO GOVERNOR PHILLIP.

Sir,

Calcutta, February 28th, 1792.

Tho' circumstances that Mr. Bowen may perhaps take an opportunity of explaining to your Excellency have prevented me from taking any part in the supply of provisions at present shipping for the colony under your command, I have by no means given up my intention of offering my services to you and his Majesty's ministers at home. By the letter* which you did me the honour to write me in conjunction with Messrs. Lambert and Ross, I considered the Atlantic as consigned to us, as did those gentlemen also; the affair took another turn, and after much consultation and speculation on the subject an offer was made by Messrs. Lambert and Ross, entirely unknown to me, which has been accepted.

The present supply is so small an object that I mention it for no other reason than to give me an opportunity of observing that my exclusion has not been voluntary, as the business upon the grounds it has been concluded was never made known to me. Had it been so I should have taken my part in it under the expectation that it would have been continued to more favourable times. I beg, therefore, to tender my services to your Excellency and the colony, and it is my intention to offer them to his Majesty's ministers in Europe, being now about to return there.

* Note 203.

The offer I have now the honour to make is on my own account, and on the same terms as my joint offer with Messrs. Lambert and Ross, and any orders in consequence which your Excellency may please to address to me in Calcutta will be duly attended to by my attornies, Messrs. King and Johnson, who are regularly authorized to act for me in such cases during my absence.

1792.
26 June.

I beg leave to trouble your Excellency with an explanation of one part of my conduct, which may perhaps be construed to exclude me from any future claim, "that I refused to enter into any warrantee." Delivering the articles required at prices to be certified by the commanding officer, I certainly did so, as did likewise Messrs. Lambert and Ross; but as the terms of the original offer was never suggested to me, I hope it will not be supposed that I have declined adhering to them.

Mr. Bowen does me the favour to carry a sample of cloathing of various kinds, which I will deliver at New South Wales at the following rates, viz.:—Shirts, 1s. 4½d. (one shilling and fourpence half-penny); trowsers, 3s. 5d. (three shillings and fivepence); shoes, 3s. 6d. (three shillings and sixpence); frocks, 4s. (four shillings).

I have, &c.,

ROBT. BIDDULPH.

SECRETARY LONG TO GOVERNOR PHILLIP.

(Per store-ship Bellona.)

Sir, Treasury Chambers, 27th June, 1792.

27 June.

Having laid before My Lords Commissioners of His Majesty's Treasury your letter of the 15th of January 1791 advising of your having drawn a Bill on this Board for £100 in favour of Mr. Detmer Smith.

I am commanded by their Lordships to acquaint you they have directed the Bill to be paid by the Agent and carried to your private Account.

I am, &c.,

CHARLES LONG.

SECRETARY STEPHENS TO GOVERNOR PHILLIP.

(Per store-ship Bellona; received by Lieut.-Governor Grose, 16th January, 1793.)

Sir, Admiralty, 29th June, 1792.

29 June.

Having laid before my Lords Comm'rs of the Adm'y your letter of the 26th March, 1791, requesting that the want of the books and papers therein mentioned may be dispensed with, they having been lost when his Majesty's ship Sirius was wrecked, to enable you to pay your accounts for the said ship, I am commanded by their Lordships to acquaint you that they have given you an order for that purpose.

Loss of the
papers of
H.M.S. Sirius.

I am, &c.,

P.S.

SIR GEO. YONGE TO GOVERNOR PHILLIP.

1792.
4 July.

(Per store-ship Bellona; received by Lieut.-Governor Grose, 16th January, 1793.)

Sir,

War Office, 4th July, 1792.

The difference
between
Nepean and
Macarthur.

I have had the honor of laying before the King your dispatch of the 15 Decr., 1791,* with the letters and papers accompanying it from Capt. Nepean and Lieut. McArthur, both of the New South Wales Corps, and at the same time I informed his Majesty that Major Grose and other officers of his corps (among them Capt. Foveaux, whose absence alone appears to have prevented your bringing Mr. McArthur to a court-martial) must have arrived at Sydney a few weeks after the date of your letter.

His Majesty thinks it most likely that the arrival of those officers will have occasioned you to take some further steps in the affair, the result of which must, of course, be waited for before his Majesty can attempt to form a judgment thereupon.

His Majesty is sensible of the inconveniences which, in the present state of the colony, must attend the assembling of a general court-martial in New South Wales; and an additional difficulty is created by the return of the marine officers of this country, whose depositions could not be admitted in evidence against Captain Nepean without his express and spontaneous consent: on the other hand, the ordering the parties home with their respective witnesses (most of whom, if not all military persons) would be productive of at least equal inconvenience to your Government, and so much time might elapse before the trial could be brought on here as to exceed the limits of a military prosecution prescribed by the Military Act, the facts alleged against Lieut. McArthur being understood to have taken place a considerable time before he left Europe.

Under these difficulties I am ordered to acquaint you that nothing will be more satisfactory to his Majesty than to find by a subsequent report from you that you have been able, in some proper way or other, to ascertain the real circumstances of the difference between Capt. Nepean and Lieut. McArthur, and to supply such information thereupon as may afford to his Majesty the means of deciding upon the respective conduct of these officers, and of disposing finally of the business without prejudice to the honor of his service, and without giving either of the parties just cause to complain that they have not been allowed full opportunity of justifying themselves upon the several matters in question.

I have, &c.,

GEO. YONGE.

* Note 179.

SECRETARY STEPHENS TO GOVERNOR PHILLIP.

(Per store-ship Bellona.)

1792.
6 July.

Sir, Admiralty Office, 6th July, 1792.

My Lords Commissioners of the Admiralty having been pleased to promote Mr. Secretary Donovan* to the rank of a Lieutenant in His Majesty's Navy, I am commanded by their Lordships to send you his Commission inclosed, which you will please to deliver to him on his taking the usual Oaths, and paying into the Hands of your Secretary the established Fee of £1 1s. 6d., for the said Commission, whom you will please to permit to receive and be accountable to this Office for the same.

Donovan
promoted to
rank of
Lieutenant.

I am, &c.,

PHP. STEPHENS.

SECRETARY LONG TO GOVERNOR PHILLIP.

(Per store-ship Bellona.)

Sir, Treasury Chambers, 12 July, 1792.

12 July.

Having laid before the Lords Commissioners of His Majesty's Treasury your Letter dated Sydney New South Wales the 20th Novr. last advising of your having drawn a Bill for £100 in favour of Captain David Collins I am commanded by their Lordships to acquaint you they have ordered the Bill to be paid by the Agent for New South Wales and to be charged to your Account.

I am, &c.,

CHARLES LONG.

UNDER-SECRETARY NEPEAN TO GOVERNOR PHILLIP.

(Per store-ship Bellona.)

Sir, Whitehall, 12th July, 1792.

I have received your Letters numbered 3 and 4† and I have great Satisfaction in referring you to Mr. Secretary Dundas' Letter of the 10th of January last, in answer to what you have stated relative to such Convicts as have been secreted on board the Vessels which have sailed from New South Wales. The Steps which have been taken to restrain so pernicious a Practice in future are not dissimilar to those you have suggested and will I trust be attended with the desired Effect.

Despatches
acknowledged.

You will also find by the late and present Dispatches from Mr. Secretary Dundas, that your requisition for Corn-mills and sundry other Articles stated in the List transmitted by the Commissary has been complied with; but the quantity required of each Article was not specified which it is desirous may be done in all future Lists.

* Note 203a. † Note 203b.

1792.
12 July.

The Copy of the Letter to you from the Surgeon of the New South Wales Corps, enclosed in yours, No. 4, with your observations thereon, has been transmitted to the War Office and you will I hope in consequence receive an Answer by this Conveyance.

Inclosed are Duplicates of the List of Convicts sent out in the Royal Admiral and of the Estimates for 1793.

I am, &c.,

EVAN NEPEAN.

P.S.—I have likewise transmitted you a Copy of the Agreement made with Jas. Thorpe Master Millwright. Such Bills as are drawn in his favour in discharge of his Salary will be directed to be discharged upon their being accompanied with proper Vouchers.

E.N.

[Enclosure No. 1.]

[A copy of the list of convicts has not yet been found.]

[Enclosure No. 2.]

Estimates.

ESTIMATE of the Charge of defraying the Civil Establishment of New South Wales from the 10th of Octr. 1792 to the 10th of Octr. 1793.

Allowance to the Governor	£1,000	0	0
Lieut.-Governor	250	0	0
Deputy Judge-Advocate ...	182	10	0
Commissary	182	10	0
Provost Marshal	91	5	0
Secretary to the Governor	91	5	0
For Stationary	20	0	0
Chaplain	182	10	0
Surgeon	182	10	0
3 Mates each £91 5 0	273	15	0
Surveyor of Lands	182	10	0
Lieutenant-Governor of Norfolk Island	250	0	0
Assistant Chaplain	146	0	0
Deputy Commissary of Stores	91	5	0
„ at Norfolk Island...	91	5	0
Deputy Surveyor of Lands	91	5	0
Ten Superintendants of Convicts at £40 per Annum each engaged to serve three years after their landing	400	0	0
Agent	150	0	0
Arrears of Allowance for Secretary and Stationary from Oct. 10th 1786 to October 10th 1792	667	10	0
Upon Account for Payment of Fees upon the Receipt of Audit	200	0	0
<hr/>			
Total	£4,726	0	0

[Enclosure No. 3.]

AN Agreement entered into and made the twenty fourth day of July in the Year One thousand seven hundred and ninety two Between Alexander Davison of Harpur Street in the County of Middlesex and Kingdom of Great Britain Esquire in Virtue of a Letter of Authority to him from John King, Esquire, One of His Majesty's Under Secretaries of State for the Home Department, on Behalf of Government, of the one Part, and James Thorp, now belonging to or employed by Mr. Samuel Wyatt of the Albion Mills Black Friars Bridge in the County of Surry Millwright of the other Part as follows:

1792.
12 July.
Agreement with
Jas. Thorpe,
master miller.

First—the said James Thorp doth agree with the said Alexander Davison, that he will embark on board of the Bellona for New South Wales, to act as a Master Millwright in His Majesty's Service in erecting Mills in that Country for the Space of Three Years commencing from the Day of the date of these Presents: And in consideration of which the said Alexander Davison doth promise and agree that he will find or cause to be found for the said James Thorp good and sufficient Clothing and Provisions during the whole of the said Term of Three Years commencing as aforesaid. And will also pay or cause to be paid to the said James Thorp as a Salary for such his Service the annual Sum of One Hundred Guineas by even half yearly Payments during the said Term of Three Years the first Payment thereof to begin or be made at the Expiration of half a Year or six Calendar from the date hereof. And the said Alexander Davison shall and will pay or cause to be paid the expences of conveying the said James Thorp to the said Settlement. And in case the said James Thorp, shall during the whole of the said Term serve in the Capacity and Place aforesaid, that he the said Alexander Davison will pay all of his Expences of returning to England at the expiration thereof or otherwise occasion a free Passage to him. And the said Alexander Davison doth hereby require authorise and empower Arthur Phillip Esquire Governor of the said Colony to provide for the said James Thorp such good and sufficient Clothing and Provisions as aforesaid during the said Term and to pay the said Salary as the same shall become due for such Service as aforesaid to the said James Thorp his Executors Administrators or Assigns: And also to pay such essential expenses of the Voyage of the said James Thorp from the said Colony as aforesaid. And the said James Thorp doth hereby further covenant promise and agree that the said James Thorp will well and truly conduct demean and behave himself in the said Business or Employ of a Master Millwright in His

1792.
12 July.

Majesty's Service as aforesaid for and during the full Term of three Years commencing as aforesaid. And lastly the said Parties do agree with each other that in case either of them shall not well and truly perform this Agreement and carry it into execution as aforesaid that the Party non performing the same shall and will forfeit and pay to the other of them the Sum of One hundred Pounds as soon as may be after such Default. In witness whereof we have hereunto set our hands and seals at London the day and year first above written.

ALEXR. DAVISON.

JAS. THORP.

Sealed and delivered (being first duly stamped) in the presence of:—GEO. LAREMUTH AND JAS. AINSLIE.

Harpur Street.

RECEIVED 24th July 1792 of A. Davison Esq. 50 guineas being 6 Months' Advance of Wages due me on the 24th Jan. 1793 next by Government at the rate of 100 Guineas per Annum commencing this Day as per Agreement above.

JAS. THORP,

Master Millwright going out in the

Witness: GEO. LAREMUTH.

Bellona to New South Wales.

SECRETARY LONG TO GOVERNOR PHILLIP.

(Per store-ship Bellona.)

14 July.

Sir,

Treasury Chambers, 14 July, 1792.

Having laid before My Lords Commissioners of His Majesty's Treasury a Letter from Mr. Commissary Palmer dated Sydney New South Wales the 21st October last advising of his having drawn a Bill for £100 for the purchase of sundry Articles for the Use of that Settlement I am commanded by their Lordships to acquaint you they have directed the Agent for the Colony to pay the said Bill upon Account but my Lords are pleased to desire that in future you will yourself draw for all the Contingent Expences of the Colony.

I am, &c.,

CHARLES LONG.

THE RIGHT HON. HENRY DUNDAS TO GOVERNOR PHILLIP.

(Per store-ship Bellona; acknowledged by Lieutenant-Governor Grose, 16th February, 1793.)

Sir,

Whitehall, 14 July, 1792.

In my last letter of the 15th May, I stated that the remainder of the articles left out of the Royal Admiral, together with such settlers as should be willing to embark on the condi-

tions held out to them (which is contained in the enclosure No. 1) would be sent by another Indiaman, to be forthwith taken up for that purpose. On account of some temporary difficulties which occurred, but which will for the future, I hope, be removed, it was judged necessary, to avoid delay, to send by the Bellona, transport, which conveys this letter, as many of the above articles as she could carry, together with a millwright, eleven settlers, and ten female convicts. I am sorry to add that the above settlers are as yet all that have offered themselves. A list of those articles; of the settlers, with their particular occupations annexed to their names; and of the female convicts, with their respective periods for which they are transported, and enclosed in Nos. 2, 3, and 4.

1792.
14 July.

From the description you have given of the settlement at New South Wales, it appears that the difficulty which attends the clearing of the ground stands much in the way of its being cultivated to any considerable extent.

This leads me to view the increase of live stock as a primary object. I have some hopes that you may receive a few sheep or horned cattle, or both, by the Royal Admiral from the Cape. At the same time, as I observed in my last, it is to Bengal that I chiefly look for an efficient supply of that nature. As soon, therefore, as the arrival of the Discovery shall give you an opportunity of procuring such a supply, I strongly recommend your dispatching her to Fort William* for that purpose. In so doing, I conceive it will be expedient in the outset to confine the species of live stock chiefly to sheep and horned cattle, as they will support themselves on the herbage alone, whereas hogs, poultry, &c., must occasion a considerable deduction from the quantity of grain and pulse, where it is raised only in small quantities.

Live stock
essential.

Your recommendation of several persons for certain salaries or allowances to be made them has been complied with. Under the circumstances you have stated, I approve of your having exercised your discretion with respect to the allotments granted to the late settlers.† In so doing your conduct appears to have been adapted to the exigency of the case.

Salaries
granted.

In answer to the request made by several of the military and civil officers to have grants of land made them, which they may dispose of at their departure, I do not foresee that any inconvenience can arise from your complying with their requisitions, provided the allotments are made not with a view to a temporary but an established settlement thereon; that is, comprehending such portions of land, and in such situations as would be suitable for a *bonâ fide* settler should it ever come into the hands of such a person.

Land grants
to officers.

* Note 200. † Note 204.

1792.
14 July.
Despatches.

Since writing the above I have received your despatches of the dates and number mentioned in the margin,* by the Gorgon, and have had the honour to lay them, with their several enclosures, before his Majesty.

The causes you have related as retarding the progress of the settlement are certainly to be taken into consideration in referring to the calculations you have made of the probable time when it might be able to support itself. But those causes more strongly incline me to recommend the greatest attention to the increase of live stock, as mentioned in the former part of this letter, and the procuring of them from Bengal, whenever an opportunity offers, for that purpose.

Criminal trials
at Norfolk
Island.

Until an Act of Parliament can be prepared in the course of next session, I trust that the authority of the magistrates in Norfolk Island, reserving the trial of capital offenders for the court at New South Wales, will be found sufficient for the preservation of order or the purposes of justice.

Port wine and
tobacco.

For the benefit and convenience of the settlement, I have directed that a certain quantity of port wine and tobacco (specified in enclosure No. 2) shall be consigned to you, in order that you may at your discretion furnish at prime cost, the former to such of the civil and military officers, and the latter to such of the men as may be desirous of purchasing the same.

I am, &c.,
HENRY DUNDAS.

Surgeon
Considen.

P.S.—You will grant permission to Mr. Dennis Considen to return to England should his health still continue to require it. It is hardly necessary to suggest to you the propriety of placing under the millwright two or three of the most intelligent convicts, being carpenters.—H.D.

[Enclosure No. 1.]

PROPOSED Conditions under which the Settlers have engaged to go out to New South Wales.

Passage to be provided by Government.

Lands to be granted free of expence.

To have an assortment of Tools and Implements out of the public stores.

To have two years' provisions.

The service of convicts to be assigned them free of expence.

Such convicts to have two years' rations and one year's clothing.

* 8th December, 1791; 14th December, 1791; No. 9.—15th December, 1791; 16th December, 1791; 17th December, 1791.

[Enclosure No. 2.]

[*A copy of the invoice of stores per the store-ship Bellona has not yet been found.*]

1792.
14 July.

[Enclosure No. 3.]

LIST of Settlers who have embarked on board the Bellona for New South Wales.—[1792]

Edward Powell, aged 30; farmer and fisherman, from Lancaster.

Thomas Rose, „ 40; farmer, from Blandford.

Mrs. Rose, „ 33

Thomas Rose, „ 13

Mary Rose, „ 11

Joshua Rose, „ 9

Richard Rose, „ 3

Elizabeth Fish, „ 18

Joseph Webb, „ 18: farmer.

Thomas Webb, gardener.

Frederick Meredith, baker.

James Thorpe, millwright.

Walter Brodie, blacksmith.

} The farmer's family.

[Enclosure No. 4.]

[*The list of convicts specifies nine, not ten, women, three of whom were sentenced to fourteen years' transportation and six to seven years.*]

SECRETARY STEPHENS TO GOVERNOR PHILLIP.

(Per store-ship Bellona; received by Lieut.-Governor Grose, 16th January, 1793.)

Sir,

Admiralty Office, 20th July, 1792.

20 July.

By Captain Hunter, late of his Majesty's ship Sirius, I received on the 23rd of April last a duplicate of your letter of the 20th of August, 1790 (the original of which is not yet come to hand), also your letters of the 14th and 26th of March, 1791, which, with their several enclosures, were immediately communicated to my Lords Commissioners of the Admiralty.

Despatches.

Their Lordships have transmitted to the Navy Board an extract of your first-mentioned letter, stating that a stone building was erecting near the South Head of Sydney Cove, for the purpose of more readily marking the entrance of that harbour to ships coming in with the land.

Landmark at South Head.

Their Lordships command me to signify to you their approval of your having hired the Dutch ship, which brought provisions from Batavia, to bring to England the officers and seamen of his Majesty's late ship the Sirius.

The snow Waaksamheyd.

1792.
20 July.
Promotion of
Bradley and
Waterhouse.
- Their Lordships, in consideration of the services of Lieut. Bradley and of Mr. Henry Waterhouse, have been pleased to promote the former to the rank of master and commander, and have signed a commission giving the latter the rank of a lieutenant, and have ordered him to be paid for the time he acted as third lieutenant of the *Sirius*, when Lieut. Maxwell was discharged from that ship.
- Ships for the
Colony.
- Extracts of so much of your letters of the 14th of March and 16th of November, 1791, as relate to the ships proper to be employed for the service of the colony, and the danger that may arise from employing any but King's ships, have been sent to Mr. Nepean, for the information of Mr. Secretary Dundas.
- Promotion of
Walker.
- Their Lordships have ordered Mr. Walker (late captain's clerk on board the *Sirius*), who you directed to take charge of the provisions and cloathing put on board the Dutch transport for the use of the crew of the *Sirius* on their passage to England, to be paid for that service, and have appointed him purser of his Majesty's ship the *Pallas*.
- I am, &c.,
PHILIP STEPHENS.
-

SECRETARY STEPHENS TO GOVERNOR PHILLIP.

(Per store-ship *Bellona*; received by Lieut.-Governor Grose. 16th January, 1793.)

- 21 July.
Despatch.
- Sir,
Admiralty Office, 21st July, 1792.
- On the 19th of last month I received by the *Gorgon* your letter of the 16th of December, 1791, and immediately communicated the same to my Lords Commissioners of the Admiralty.
- Discharge of
marines.
- In answer to that part of your letter stating the doubts of Major Ross, how far the marines who were become settlers in the colony could be legally discharged from the service, I have it in command from their Lordships to acquaint you that by the next conveyance certificates in form shall be sent you from the commanding officers of the divisions to which those men belonged.
- Colonial timber.
- The specimens of the timber of New South Wales which you sent in the *Gorgon* have been received, and trials will be made of their qualities.
- Escaped
convicts.
- Capt. Edwards, after the loss of the *Pandora*, having proceeded to the island of Timor, the Governor of that place delivered to him several convicts who had deserted from Port Jackson, a list of whose names is herewith enclosed for your information.

I am, &c.,
PH^R. STEPHENS.

[Enclosure.]

1792.
21 July.

A List of Convicts, Deserters from Port Jackson, delivered to Captain Edward Edwards, of his Majesty's ship Pandora, by Timotheus Wanjon, Esqr., Governor of the Dutch Settlements at Timor, 5th October, 1791.

William Allen	} On board His Majesty's ship Gorgon.
John Butcher	
Nath'l Lilley	
James Martin	
Mary Bryant	} Transported by the name of Mary Broad.
William Morton, died on board the Dutch East India Comp'y's ship Horn- wey.	

William Bryant, died 22nd Dec'r, 1791, hosp'l, Batavia.

James Cox, died (fell overboard), Streights of Sunda.

John Simms, died on board the Dutch East India Comp'y's ship Horn-
wey.

Emanuel Bryant, died 1st Dec'r, Batavia	} Children of the above Wm. and Mary Bryant.
Charlotte Bryant, died 6th May, 1792, on board His Majesty's ship Gorgon.	

EDWARD EDWARDS.

COMMISSIONERS OF THE NAVY TO GOVERNOR PHILLIP.

(Per store-ship Bellona; received by Lieut.-Governor Grose, 16th January, 1793.)

Sir,

Navy Office, 25th July, 1792.

25 July.

We wrote you by the Royal Admiral on the 17th May last, of which the inclosed is a duplicate, since which we have received by his Majesty's ship Gorgon your letters or duplicates of the 7th and 14th March and 9th November, 1791, and herewith we transmit you copy of a charter-party for the ship Bellona, with copies of bills of lading for the provisions and stores put on board her for the use of the settlement, and lists of settlers and female convicts embarked. This ship, you will observe by the charter-party, is to be discharged in twenty-one days after her arrival, which is the longest time we could obtain for the delivery of her cargo without an increase of expence, and we hope that, with the assistance you may be enabled to afford, she will be cleared in time so as to prevent demurrage. We have, as you desired, inserted a clause to authorise you to retain her in case of necessity; but as the Dædalus and Kitty, transports, are hired on monthly pay, until they return to England, at much lower freight, we trust the Bellona will not be wanted, and that you will not detain her unless there should be an absolute necessity for it. The quantity of wet provisions and flour in this ship would not admit of her taking in any limestone as ballast, but we shall avail ourselves of the first opportunity that offers to recommend some being sent out.

Despatches.

The store-ship
Bellona.

1792.
25 July.

A transport's
surgeon.

The Lords Commissioners of the Treasury having thought fit that a skilful surgeon should go out in the *Bellona* to have the care of the settlers and convicts, and also the charge of Government stores on board her, we have appointed Mr. Richard Clarke, a surgeon in the Navy, to perform those services, and desire when that is done you will order him a passage home by the most speedy conveyance that offers.

We are, &c.,

HENRY MARTIN.

GEO. ROGERS.

W. PALMER.

P.S.—We have given the above-mentioned charter-party to Mr. Clarke, and have directed him to deliver it to you on his arrival.

Mr. Palmer's letters of the 23rd Nov'r and 16th December, 1791, with the several papers inclosed, are received.

[Enclosures Nos. 1 and 2.]

[Copies of the charter-party and of the invoices of goods per the transport Bellona have not yet been found.]

[Enclosures Nos. 3 and 4.]

[The lists of settlers and convicts are similar to Enclosures Nos. 3 and 4 of the despatch from the Right Hon. Henry Dundas to Governor Philip, dated 14th July, 1792.]

THE VICTUALLING BOARD TO GOVERNOR PHILLIP.

(Per store-ship Resolution.)

Sir,

Victualling Office, 7th Sept., 1792.

7 Sept.
Commissariat
administration.

Understanding that Mr. Andrew Miller, Commissary to the Settlement at Port Jackson, New South Wales, has furnished sundry quantities of Provisions to His Majesty's Ship *Sirius* and the Supply armed Transport; we request the favor of your directing him to forward to this Board an Account and Vouchers for such Supplies as have been made to His Majesty's Ships and Vessels in those parts: and further that you will be pleased to give orders that when any provisions etc. are sent on board His Majesty's Ships by the Commissaries there, proper Accounts and Vouchers may be transmitted to this Board by the first conveyance that may offer to England, in order that the Pursers of the Ships may be duly charged therewith.

We are, &c.,

FRAS. STEPHENS.

W. BOSCAWEN.

A. CHORLEY.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

1792.
2 Oct.

(Despatch No. 2, per store-ship *Britannia* to the Cape of Good Hope, and thence to England.*)

Sir, Sydney, New South Wales, October 2nd, 1792.

I am honoured with yours of the 10th of January, 1792, Despatches.
by the *Britannia*, which ship arrived the 26th of last July; and I am happy to find that my services have met with approbation. I will not, sir, trouble you with a recapitulation of the wants of this colony, as duplicates of my letters by the *Pitt* go by this conveyance, further than to say what may point out the necessity of an immediate and adequate supply.

With respect to those articles of which the colony stands so Stores required.
much in need, I beg leave to observe that all those wants which have been pointed out in my different letters from time to time still exist, or with very few exceptions; and for iron pots in particular, however trifling the article, we have been nearly as much distressed as for provisions; cross-cut saws, axes, and the various tools for husbandry are also much wanted; many of those articles are now made here, but the demand for them is greater than can be supplied, as most of what have been received from England are worn out.

With respect to the cloathing, the osnaburghs sent out are in themselves ill calculated for the cloathing of men who work in the woods. Many bales which have been received, though not rotten, have been so much injured from the damp that they have scarcely borne washing a second time, and one-third of what was sent by the *Britannia* was totally destroyed, and several bales of cloth, and other articles, much injured.

I have, sir, in a former letter, wished to have the men's cloathing ready made, as many inconveniences attend our receiving the materials, as I had first desired.

"The having between three and four thousand people, who are generally in such a state when the supplies arrive that a considerable time passes before they can be cloathed, and from the difficulties attending the making up of cloathing for such a number of people."

The *Atlantic* returned to this port from Calcutta on the 20th of The Atlantic.
last June, and one-third of every article received by that ship, as well as what was received by the *Britannia*, has been sent to Norfolk Island by the *Atlantic*, which returned from thence the 30th of last month, and will, I hope, sail for England by the middle of November next. Nothing will detain her a moment after the ship is ready for sea.†

There remains at present in this colony of flour and rice, as Provisions in store.
bread, sufficient for ninety-six days, at two pounds of flour and

1792.
2 Oct.

five pounds of rice per man for seven days, salt provisions sufficient for seventy days at a full ration, and of pease and dholl sufficient for one hundred and fifty-six days, at three pounds per week for each man.

Anxieties *re*
further supplies.

In Norfolk Island their provisions will last for a longer time. You will, sir, naturally suppose that I anxiously look for the arrival of those ships by which we expect a further supply of provisions, and I am very sorry to be under the necessity of adverting to the observation I have so often made, that the colony, having been almost constantly on a reduced ration, is a great check on the public labour, as well as the cause of many very unpleasant circumstances. Men who are inclined to be discontented find an ample source, and the convicts an unanswerable excuse, when pressed to labour. Nor are these the only evils which attend the untoward circumstances which have kept this colony in such a state for nearly four years. When the Atlantic arrived from Bengal, this settlement had only thirteen days' flour and forty-five days' maize in store at the ration then issued, which was one pound and a half of flour and four pounds of maize per man for seven days. And when the *Britannia* arrived, we had only salt provisions for fifty-three days at the then ration, which was only two pounds of pork per man for seven days.

Stores from
Bengal.

The arrival of the above ships put it in my power to increase the ration, and which, though at present little inferior to the full ration, is, from the nature of some articles, and the deficiency of others, very far from being satisfactory; nor can the present ration be continued many days longer if the *Kitty* does not arrive. The expences attending the supplying the colony with the provisions received from Calcutta by the Atlantic will be seen by the accounts which accompany this letter, and I have only to observe that the different articles are very inferior to those of a similar nature which are furnished from Europe.

Eight casks of salt provisions which were sent from Calcutta on speculation, though used as soon as landed, were very bad, but the small quantity of provisions in store obliges me to order it to be issued. It is, sir, also necessary to observe that the beef received from the *Britannia* is bad in kind; it has been surveyed by two officers, a lieutenant and a master of the Navy. Their report states, after weighing and examining a considerable number of casks: "That the average loss on the hogsheads agreeable to the contents marked on them is thirty-six pounds and one-third, and on the tierces twenty pounds and one-third. And that the whole of the beef appears to be lean, bony, and very coarse, and inferior in quality to any we have ever seen issued in his Majesty's service."

In addition to the provisions received from Messrs. Lambert, Ross, & Co., a merchant, the Hon. John Cochrane, sent eight casks of the finest, and of the second sort of flour, and soojee, and which he offered to warrant for a twelvemonth, but when landed it was in such a state from being heated, and from the weevil, that it was necessary to cause it to be immediately issued. The enclosed extract from Mr. Cochrane's letter contains his proposal for furnishing this settlement with those articles.

1792.
2 Oct.

With respect to the cattle purchased at Calcutta, viz., two bulls, one cow, one calf, two rams, eighteen ewes, and twenty goats, one calf, eight ewes, and thirteen goats died on the voyage; and the bulls being of the buffalo breed will not connect themselves with our cows, which are of the European breed. The only cow received from Calcutta was so weak when landed that she has been since lost by falling into the water when going to drink. We have, however, three very fine bull calves, which promise well.

Cattle from
Calcutta.

You will, sir, observe by this detail that the period at which the colony will supply its inhabitants with animal food is nearly as distant at present as it was when I first landed in this country. I have in my former letters mentioned the means which appeared to me to be the readiest and most certain to stock this country with cattle; merchant ships will do but little, and I fear that little will be done at a very great expence.

Of the present state of this settlement, I have the satisfaction of assuring you that the soil and its produce more than answer the expectations which I have formerly given. Our last year's crop of maize, notwithstanding the long drought, was 4,844½ bushels, of which 2,649½ bushels have been issued as bread for the colony, 695 bushels reserved for seed and other purposes, and not less than 1,500 bushels were stolen from the grounds, notwithstanding every possible precaution was taken to prevent it.* From the time the corn began to ripen to the time it was housed, the convicts were pressed by hunger, and great quantities were stolen and concealed in the woods; several convicts died from feeding on it in its crude state, when carrying the grain to the public granary. But in speaking of these people, it is but just to observe that I can recollect very few crimes during the last three years but what have been committed to procure the necessities of life.

Progress report.

One thousand acres of ground are in cultivation on the public account, of which 800 are in maize, the rest in wheat and barley, at Parramatta and a new settlement formed about three miles to the westward of Parramatta, and to which I have given the name of Toon-gab-be, a name by which the natives distinguish the spot.

Public
agriculture.

* Note by Governor Phillip.—383 bushels of wheat and 59 of barley are sown in the public grounds, and 255 bushels of wheat have been issued in lieu of bread.

1792.
2 Oct.

The soil is good, and in the neighbourhood of this place there are several thousand acres of exceeding good ground. The quantity of ground in cultivation by the settlers is 416 acres, and they have 97 acres more ground cleared of timber.* By the land in cultivation some judgment may be formed as to the corn, which may next year be carried into the store towards the support of the colony. And I flatter myself that the time now approaches in which this country will be able to supply its inhabitants with grain; but no dependance must be placed on a crop while it is in the ground, consequently regular supplies of flour, &c., from Europe will be necessary until there is a sufficient quantity in store to serve the colony for one year at least. The grub, as in all new grounds, is very destructive. The crop may fail from a dry season, or be lost from fire or other accidents, and to which it may naturally be supposed the crops in this country are more exposed than in Europe.

Supplies still
necessary from
England.

My letters by the Supply, Gorgon, and Pitt will have shewn that I look to England for the necessary supplies, of which we still stand in great need, and which I doubt not are now on their passage; but the great length of time in which this colony has remained in its present state takes away hope from many, and the consequences must be obvious. It has, sir, been my fate to point out wants from year to year; it has been a duty the severest I have ever experienced. Did those wants only respect myself or a few individuals I should be silent; but here are numbers who bear them badly; nor has the colony suffered more from wanting what we have not received than from the supplies we have received not arriving in time.

Dundas'
criticism.

What is observed respecting the officers, non-commissioned officers, and such convicts as propose to become settlers, in yours of the 10th of January, marked No. 2, shall be made the subject of a separate letter.

It is, sir, observed in the above letter that no return was made of the stock of provisions in my dispatches sent by the *Justinian*, consequently that no exact calculation could be made on that head. I had, sir, particularly directed the Commissary to make that return, and which, as far as his memory serves him, was sent to the Lords Commissioners of the Treasury.

The information given by Major Ross, in his letter of the 29th of August, 1790, will be adverted to when I come to speak of the present state of Norfolk Island, as will also what relates to increasing the number of people and the administration of justice in that settlement.

* *Note by Governor Phillip.*—Acres of land in cultivation, on the public account, 1,000; garden ground, 100; settlers' ground, 415; whole quantity of ground in cultivation, 1,516.

It has long been my wish to stock this country with cattle, as recommended; but it has never been in my power to take any step towards obtaining that desirable end. And here I must beg leave to refer to my former letters, which will point out how utterly impossible it has been for me ever to employ a ship on that service. The *Dædalus* has been pointed out as a vessel to be employed for that purpose when she returns from the north-west coast of America, if not wanted at the Sandwich Islands, by the vessels employed on a survey. How far the *Dædalus* may arrive here in a state fit to proceed to sea again in any time after a voyage of such a length must be very uncertain, and it will require a great length of time, and I fear be attended with very great expence, if this country is to be stocked with cattle through the means of one or two hired transports, where the interests of the owners are so directly opposed to the interests of the Crown, and every possible pretence is made use of to create delays; but, sir, I have to beg your pardon for obtruding my opinion on this subject, having so often done it in my former letters, and I shall follow the directions I have received on that head.

1792.
2 Oct.
The need of
cattle.

Mr. Z. Clarke, having been appointed Deputy-Commissary of Stores and Provisions on Norfolk Island, will relieve the person now charged with that duty,* and who will be employed at this settlement. When the description of people who form this colony is considered, I presume the necessity of having storekeepers at the different settlements on whom some dependance can be placed will appear, and I have been under the necessity of adding one to the number at Sydney, and one is also appointed at Norfolk Island; but no more has been promised them than what is paid to the superintendants, and with which they are satisfied, in hopes of being placed in better situations hereafter.

Deputy-
Commissary
at Norfolk
Island.

The one whom I have appointed at Sydney was a sergeant of marines,† and the one at Norfolk Island came from England with Lieut.-Governor King. The expence attending these appointments is, I am sorry to say, very trifling when compared with what has been hitherto lost from the public stores.

Storekeepers.

The remittance to be expected from the Kitty will be applied for the purposes pointed out, and that with the strictest economy.

Specie.

If people for superintendants of such descriptions as have been pointed out can be found they will be very useful. Of those which have already been received, one is become a settler, and is doing well; a second has been discharged as useless in every respect; and a third, who can be well spared, will be discharged, as wishing to become a settler.‡

Superintendents

The steps which you are pleased to inform me have been taken to prevent the ships from carrying away the convicts will, I doubt

* Note 206. † Note 207. ‡ Note 208.

1792.
2 Oct.

Rations for
N.S.W. Corps.

not, answer the purpose; and the necessary proofs against the master of any ship who may offend in future will be transmitted.

The information respecting the promise made to the New South Wales Corps respecting their receiving the usual ration, spirits excepted, without any deduction being made from their pay, has been communicated to Major Grose, who, on his arrival, was totally unacquainted with the intentions of Government on that head.

Additional
company for
N.S.W. Corps.

With respect to some of the marines inlisting in the additional company, forty-seven have already entered with Captain George Johnston, the officer who was left with the command of the marines when Major Ross embarked, as will be explained in a letter which accompanies this.

The supplying the deficiency of spirits with beer may be done hereafter, but the former part of this letter will show that that time is distant.

Settlers.

As a ship of four hundred tons is taken up for the purpose of bringing out such articles as have been required, I hope her speedy arrival, and that the fifteen families of quakers will come by that conveyance.*

Ships for the
Colony.

You have, sir, observed in your letter, that "the Admiralty had not determined on replacing the *Sirius*, but that that circumstance would not occasion any decrease of the pecuniary emoluments with which I understood my situation was to be attended." I beg leave to say that the opinion I gave as to the necessity of employing King's ships on this station—that is, as I explained in my letters, ships having the officers requisite for keeping a proper discipline on board, and deterring the convicts from making any attempt to escape by seizing on the ship—did not proceed from any view of pecuniary advantage to myself, and to which I never adverted. That object never drew my attention, and the advantages I derived from the *Sirius*—*a captain's pay for a sixth rate*—being by the royal instructions of the twenty-fifth day of April, 1787, directed to be continued, although there should not be any of his Majesty's ships employed on this station, rendered it totally unnecessary for me to wish for a King's ship under any other idea but the one pointed out in my letters. As that proposition does not appear to meet their Lordships' ideas, I have prepared for the safety of such ships as may be employed here, as far as depends on me, by sending to Norfolk Island those whom it might be presumed would be the ringleaders, should the seizing of any transport be ever determined on.

The supply of
spirits.

In the enclosure containing a list of the articles to be sent out, marked A,† I observe that "two thousand three hundred and nineteen gallons of rum, being an allowance of half a gallon for

each person per annum," was to be shipped, and it is with great satisfaction I observe from the words which I have quoted that Government has included the convicts, for it is a bounty which many of those people well deserve—and to the undeserving it never will be given. At the same time, I fear that the soldiers not receiving the customary allowance of spirits as in other garrisons will be the source of great discontent.

1792.
2 Oct.

The quantity of provisions necessary to serve this colony for twelve months is enclosed; and I presume a more considerable quantity of provisions than what is mentioned as shipped on board the Britannia and the ships which were taken up when your letter was dated will immediately follow. Salt provisions, which will keep good for any time in this climate, can only be procured from Europe. The badness of what was brought from other parts has been already mentioned.

Provisions
required.

The Commissary being obliged to purchase various articles out of the Pitt, where the private property sold in this settlement amounted to upwards of four thousand pounds, may serve in some measure to point out what might be brought by a ship loaded wholly on the account of Government. Many of the most necessary articles which had been put on board that ship were afterwards landed, and yet the stowage of those articles would not have taken up one-quarter of the stowage which the private trade took up. It is not, sir, to reflect on the person who commanded the Pitt that I make this observation, but from feeling the obligation of pointing out a circumstance which may prevent a similar evil, the effects of which are at this moment severely felt in the colony.

Private
importations.

A copy of the return of those convicts who died, or run from the Pitt, as sworn to by the naval agent, is enclosed; and some restrictions to prevent the convicts being permitted to go on shore for the convenience of individuals, by which means I understand several were lost from the Pitt, will, I apprehend, be thought necessary.

Convicts by
the Pitt.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

THE HON. JOHN COCHRANE TO GOVERNOR PHILLIP.

Extract from a letter from the Honble. John Cochrane, dated Calcutta, 18th March, 1792.

"ON the arrival of the Atlantic, store-ship, I tendered my services to the gentlemen to whom the ship was recommended to supply a considerable quantity of flour on the same terms as I lately supplied the East India Company for their troops on the coast of Cromandel and Malabar, and to guarantee its keeping. But as Messrs. Lambert & Ross have taken the whole contract,

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2 Oct.
Supplies from
Calcutta.

they have not thought proper to apply to me for any. Lieutenant Bowen has been so obliging as to allow me to send you eight casks of flour of my own manufactory, two casks of the finest flour bolted on cloth No. 1, two casks of second quality fine flour, two casks of fine soojah, or what the French call roulon, and two casks of second quality of soojah. The flour you will find on inspection to be as fine as any English flour, but not so white in colour; the reason is this: that the red wheat in this country is more plentiful than the white wheat.

If you approve of what I now send as a trial, by the time your orders can come back I will be able to furnish you with any quantity. The second flour now sent, and which in fact is equal to fine, and the second soojah is what I would recommend for your cargo. Flour—two-thirds to be flour and one-third soojah. I will furnish you with flour and soojah of the above qualities, either in jars or casks, at the rate of fifteen shillings sterling per cwt. of 112 lb., and be answerable for its keeping good for twelve months, or I will supply it to you at the fair market price of Calcutta, or the price at which flour or soojah of the same quality sells for in the market, to be ascertained by the clerk of the market, or by any person you may appoint."

[Enclosure No. 2.]

A DEMAND for 12 Months Provisions for the use of His Majesty's Colony of New South Wales calculated at the established Ration for the present number of Inhabitants in this Settlement, and at Norfolk Island.

(Vizt.)

Flour or Bread	1,215,760 lbs.
Beef	607,880 do
Pork	347,360 do
Butter, Oil, or Sugar	65,130 do
Rice	86,840 do
Pease	8,141 bushels.
Sydney, 3rd Octr. 1792.	JNO. PALMER, Commissary.

[Enclosure No. 3.]

[A copy of the Return relating to the convicts on the transport Pitt has not yet been found.]

GOVERNOR PHILLIP TO SECRETARY STEPHENS.

(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England.*)

Sydney, New South Wales.

4 Oct.
The Atlantic.

Sir,

4th October, 1792.

You will please to inform the Right Honorable the Lords Commissioners of the Admiralty that the *Atlantic*, store-ship, which returned to this port the 20th of last June from Calcutta,

under the command of Lieut. Bowen, naval agent, is now fitting for sea, and will sail for England with the remainder of the detachment of marines now on duty in this settlement by the middle of next month.

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4 Oct.

You will, sir, also inform their Lordships that, pursuant to his Majesty's pleasure, communicated to me through the Lord Grenville, when Secretary of State for the Home Department, that a company was to be raised from the marines, to be annexed to the New South Wales corps, and that his Majesty was graciously pleased to permit me to recommend the officer for that company from the marines. I have recommended Captain George Johnston for the command of the company, and that forty-seven men from the marines having inlisted with that officer are discharged from that corps. Sergeant Thomas Smith is also discharged from the marines, being appointed a storekeeper under the Commissary for this territory.

Additional
company for
N.S.W. Corps.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY KING.

(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England.*)

Sydney, New South Wales,

Sir,

4th October, 1792.

I am favoured with yours of the 10th of January, 1792, and which I have barely time to acknowledge. Despatch.

With respect to what I had formerly observed, relative to the butter, and which led to a supposition that that article might be dispensed with in future, I did, sir, think that butter which does not keep good for any length of time in a hot country, and of which there is always a great waste, might be better supplied by some other article; oil, as you observe, or sugar, are undoubtedly to be preferred. Butter.

An inquiry into the conduct of the master of the *Neptune* will, I make no doubt, have a good effect, and which I believe to have been highly necessary, for the convicts were certainly very ill-treated; but no specific charge was ever brought against him here, and the first knowledge I had of some circumstances, which, from the affidavits that have appeared in the public papers, it is said I censured, was from these papers themselves. The master of
the *Neptune*.

It may not be unnecessary to observe that it will be some time before a sufficient quantity of pease can be raised here for the use of the garrison, and by whom every article customary in other garrisons is excepted. Pease.

I am sorry to observe that iron pots are not included amongst the articles to be expected by the next ship, and which are even Iron pots
required.

1799.
4 Oct.

more necessary than cloathing. They should be from one to five gallons; about six hundred pots from one to three gallons, and four hundred of from three to five gallons will be necessary.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England.*)

Sydney, New South Wales,

Sir,

4th October, 1792.

Stores for
N.S.W. Corps.

The inclosed letter from the major-commandant of the New South Wales Corps, and which is accompanied with my answer, will serve to show the necessity of this colony's receiving a regular supply of provisions, and the opinion formed of those supplies which have been received from India.

I am sensible that the officers and men want conveniences which are found in garrisons long established; but here are some advantages to the officer and soldier not to be found elsewhere, and when the ration is regular, and the means of providing necessaries for the soldier is in a proper channel, I believe there will be no complaints of this country.

The *Britannia*
chartered by
officers.

The *Britannia* was at anchor, in the lower part of the harbour, ready to sail for New Zealand, when I was informed that the officers had come to a resolution of hiring that ship to go to the Cape of Good Hope, and in the same evening I saw Major Grose on the subject; but being of a very different opinion as to the propriety, as well as of the necessity of such a measure, I wished to prevent what may be supposed to affect the interest of the East India Company, by opening a door to a contraband trade; at the same time, as I could not prevent it, and do not believe that the *Britannia* goes to the Cape with any such view, I beg leave to say that I do not think his Majesty's service will suffer, if the reasons assigned in Major Grose's letter should be deemed sufficient for the step which has been taken, and which being admitted may prevent much discontent.

The whale
fishery.

In my letters by the last ships I have requested that the acts relative to the southern fishery may be sent, and such instructions as may be deemed necessary on that head, for I have no lawyer to consult,† and it will probably be the same with the person who is to supply my place when I leave this country, which my state of health obliges me to hope I shall be at liberty to do after the arrival of the first ships, and I believe my returning to England

will be the greatest service I can render this colony, independant of every other consideration, for it will put it in my power to shew what may, and what may not, be expected from it.

I have, &c.,

A. PHILLIP.

[Enclosure No. 1.]

MAJOR GROSE TO GOVERNOR PHILLIP.

Sir,

Sydney, October 4th, 1792.

The situation of the soldiers under my command, who at this time have scarcely shoes to their feet, and who have no other comforts than the reduced and unwholesome rations served out from the stores, has induced me to assemble the captains of my corps for the purpose of consulting what could be done for their relief and accommodation. Amongst us we have raised a sufficient sum to take up the Britannia, and as all money matters are already settled with the master, who is also an owner, I have now to request you will interest yourself in our favour, that you will, by representing the necessities of my soldiers, protect this ship from interruption as much as you can, and that you will assist us to escape the miseries of that precarious existence we have hitherto been so constantly exposed to. With every respect, &c.,

The chartering
of the
Britannia.

FRANS. GROSE,

Major-Commandant New South Wales Corps.

[Enclosure No. 2.]

GOVERNOR PHILLIP TO MAJOR GROSE.

Sir,

Sydney, New South Wales, October 4th, 1792.

In answer to your letter of this day's date, requesting that I would interest myself in favour of the ship Britannia, which you inform me is taken up by yourself and officers, and that I would protect that ship from interruption as far as depends on me, I can only observe that the opinion I gave on the subject on the 2nd instant, when the business was first mentioned, must have pointed out that any interruption which that ship might meet with, if the master acted contrary to the tenor of his license from the East India Company, did not by any means depend on me, and I am still of the same opinion with respect to this ship's going to the Brazil, or the Cape of Good Hope, as I was at the above time. I am sensible that the garrison suffers many inconveniences from the necessary supplies not arriving, and which I should gladly do away by any means in my power, yet I cannot acquiesce with you in thinking that the ration served from the public stores is unwholesome; I see it daily at my own table; I am sorry to see that it is neither so good nor in that quantity as

1792.
4 Oct.

1792.

4 Oct.

The chartering
of the
Britannia.

I would wish it; and every means in my power has, and will be, taken to remedy the evil. I offered to write to the Cape of Good Hope, and direct all the ships coming to this settlement to receive on board such necessaries as you might order to be purchas'd, and which I still think would be the best way of procuring them, or to employ the Atlantic, or either of those ships which are expected to arrive from day to day, in procuring the necessaries of which you stand so much in need, if, when those wants are stated officially, such a step appeared necessary; but with a ship lying in the harbour, already in the public employ, and others expected, I saw no necessity for taking up the Britannia, nor can I form any judgement how far that ship's going to the Cape will do away all the distresses you have mentioned, as only shoes and the ration are pointed out in your letter. With respect to shoes, the corps has received as many as were demanded, while there were any in store, and the Commissary, as he ever has done, will supply the quarter-master with leather, as long as any remains. As to the nature of the ration, it is, I believe, nearly as good as what is issued to the army and navy in India, and I think that there can be little doubt but that an ample supply of provisions from Europe will arrive before the Britannia can return to this port; and there is every reason to expect that a very few months will remove the inconvenience the colony labours under, of which you may form some judgement from what you have seen of my letters by the Gorgon and Supply, which ships may be supposed to have arrived in England by the latter end of last June.

When the Atlantic was sent to Calcutta, every officer was permitted to send for such articles as he wanted, and which will always be allowed, and everything else done for the accommodation of the officers and men under your command which the public service admits.

I am sorry that I cannot, with propriety, take any official step in this business.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England*; acknowledged by the Rt. Hon. Henry Dundas to Lieut.-Governor Grose, 31st June, 1793.)

Sir,

Sydney, New South Wales, 4th October, 1792.

In answering that part of your letter (No. 2)† which respects the number of convicts to be given to officers and others who may become settlers being left to my discretion, I have the honor to assure you that, in granting that indulgence, I shall particularly attend to the intentions of Government; every year

Assigned
servants.

* Note 202.

† Note 212.

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4 Oct.

will of course lessen the assistance necessary to be given to settlers, but to those who have not the means of hiring men to assist them in building their huts, and in clearing some ground to begin with, some assistance from the Crown will always be necessary. Experience has shown that a less number of convicts than what I had at first deemed necessary, and that fifteen or eighteen months' support from the store, instead of two years', will be very sufficient to put a settler in such a situation, that he may do very well without any further assistance from the Crown. Experience has also pointed out many inconveniences attending the receiving men as settlers who only look to the convenience of the present moment. With some the sole object in becoming settlers is that of being their own masters, and with others the object is to raise as much money as will pay their passage to England, and then assign their lands to those who take them with the same view. There are many of this description at Norfolk Island, as will appear by the enclosed extract from Lieutenant-Governor King's letter to me on that subject; but, as they have not received their grants, the necessary steps will be taken to prevent this imposition by removing some from the island, and by granting leases of only five or seven years to others, for one or two of these people have attempted to dispose of their grounds as soon as their huts were built, and they had received that assistance which had been promised them.

Objectives of
settlers.

As all the settlers have been on a reduced ration, it will be necessary to keep them on the public store longer than was intended; but none of them will exceed two years. It has not been possible hitherto to supply all those people with the live stock promised them on their becoming settlers; but as hogs and poultry are now increasing very fast, those promises will be made good to them.

I have not received any instructions respecting the quantity of land which may be intended to be given to an officer on such officers becoming a settler, nor under what circumstances an officer might be permitted to settle. This is mentioned as an ensign in the New South Wales Corps has been desirous of becoming a settler if he could have been permitted to retire on his half pay.

Land grants
for officers.

It is, sir, likewise necessary to observe that the officers in the New South Wales Corps have supposed, on coming to this country, that lands might be granted them, with indulgences similar to those which have been granted to settlers; and I am very far from wishing to throw the smallest obstacle in the way of officers obtaining grants of land; but in the present state of

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this colony the numbers employed on the public buildings in procuring the materials, and in other occupations equally necessary, does not leave more than four hundred and fifty for agriculture, and from that number those convicts must be taken who are to be given to officers or settlers, which will increase the number of those who do not labour for the public, and lessen those who are to furnish the colony with the necessaries of life. At present fifty-one convicts are allowed to the Major-Commandt. of the New South Wales Corps, and those under his command in this place, and convicts in proportion are allowed those on duty at Norfolk Island. The officers, civil and military, have land which they cultivate; but as the grounds which they have chosen are mostly within the limits of what is marked out for building on hereafter, or on the land which is to remain as common land for the township, no lease or grant has been given with such grounds, and the officers understand that they are to give them up when wanted for the public service.

Thomas
Daveney.

There is also a superintendant who wishes to settle, when he can be spared from his present employment; but as a settler he will expect land in proportion to what will be granted to those families coming from England. The person in question is a most useful man, and the settlement at Toongabbe is under his direction; increasing his salary might retain him for some time, and which I should promise him, but that the consequence would be every superintendant would expect the same; and whatever their merits may be, they are a set of men who cannot be well spared at this moment. If I was at liberty to grant a greater quantity of land (to the superintendant in question) than I am empowered to grant to the non-commissioned officers, I should propose his becoming a settler, and that a certain quantity of ground should be cleared for him at the public expence, in proportion to the length of time his services as a superintendant may be wanting.

What is recommended relative to the cloathing will be particularly attended to, and the necessary implements for manufacturing cloth will be forwarded to Norfolk Island as soon as they arrive.

The necessity
of a criminal
court at
Norfolk Island.

The inconveniences which attend the want of a criminal court* at Norfolk Island are very great, and increase with the number of people; the most daring robberies are committed, and frequently with impunity, for sending the party accused to be tried here is so distressing to the witnesses who must be sent also, and are in general settlers, or men who have ground in cultiva-

tion on their own account, which they are obliged to leave, with all their little property, to the care of those in whom they cannot place any great confidence, and their grounds being neglected during their absence, however much the individual has suffered by the robbery, the prosecuting the criminal would distress him still more, and consequently many crimes are never brought forward. I presume that if an offender could be tried on the island, no capital sentence to be carried into execution until confirmed by the Governor of the territory, numerous evils would be prevented.

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4 Oct.

It is, sir, from the accounts which I have received from Lieutenant-Governor King that I am induced to advert to this subject, which has been mentioned in a former letter,* and I shall apply the only remedy in my power, that of directing the most notorious characters to be sent to this settlement, and replace them by those of a better description; but this will not, I fear, effectually remove the evil, for the numbers of those whose sentences being expired are free men will increase, and they are a description of men who give infinitely more trouble than the convicts, nor can the number on the island be increased to such an extent as might be wished.

It does not appear that the crops on the island by any means answered the expectations formed by Major Ross, and the people were all so much dissatisfied with the plan laid down for their becoming independent of the store,† and which they pretended to say they were forced into, that Lieutenant-Governor King would have been obliged to give it up, as he has done, had the probability of its answering been ever so great.

Dissatisfaction
at Norfolk
Island.

In marking out the grounds for settlers, the necessity of deviating from the royal instructions has been mentioned in my former letters; but in the allotments made for the Church and for a school a quantity of ground equal to the largest allotment has been retained for the use of the Crown; and such land being permitted to be leased for fourteen years, and the Lieutenant-Governor having been desirous of having 30 acres of ground in the 400 reserved for the Crown, for the purpose of building a house, presuming that he might hereafter obtain a grant for that ground (the 30 acres), I have complied with his request, and granted him a lease for fourteen years, for which he is to pay two shillings per annum for each acre, the rent to commence at the expiration of the fifth year.‡ As similar leases may be granted in future, a proper form of a lease is much wanted; and here, sir, I beg leave to advert to the question asked in my letter of the 24th

The granting
of lands.

* Note 214. † Note 215. ‡ Note 216.

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4 Oct.

of November, 1791, by the Supply, respecting the granting a certain quantity of land to officers, which they would leave, on quitting the country, to children or other persons. A form of a grant of land, with such a clause as might prevent the immediate disposing of the property, is also much wanted. I am sensible that it is easy to introduce a clause which would answer the purpose; but a grant drawn up by an official person would be more regular than anything which has been done here.*

I have, &c.,
A. PHILLIP.

[Enclosure.]

Extract from a letter to Governor Phillip from Lieutenant-Governor King, dated Sydney, Norfolk Island, Sept. 19th, 1792.

Report from
Norfolk Island.

“As many of the fifty convicts whom I settled have applied to the master of the Pitt to take them off the island, I found it necessary to take some steps with respect to these people, and to endeavour to prevent many evils and misunderstandings that will necessarily happen if these people get their grants and afterwards leave the island, which inconveniences to the public will be more aggravated if they are permitted to make over their grants, together with their lots, to those women whom they have married, or to sell them to any one they please. If it should happen to be a deserving man or woman that gets it, it may be well; but I much fear it would in general go to people of a very different description. Soon after the Pitt’s departure I took an opportunity of sending for the above fifty settlers, and pointed out to them the necessity there was for my understanding their several intentions, and to inform them that if any of them endeavoured to leave the island before or soon after the twelve-month might be expired for which they were to be victualled from the public stores they would be stopped until that twelve-months’ provisions should be made good to the public. I also informed them that those who had any idea of leaving the island could not plead ignorance of this regulation, and that I knew it to be the intention of many of them to gain what they could from their grounds, and when they had realized enough to carry them off the island, to leave their families, which would be a great burthen to the public. Some of them hoped that if they cleared their ground they might be permitted to make their grants over to their wives or their friends, by which the industrious individual would suffer greatly, as fifty of the best and most desirable lots would, in time, become the property of abandoned women, burthened with children.

"Several thefts have been committed during this month, which have in general received slight punishments, as they were mostly occasioned by hunger. On the 23rd, after receiving their provisions, five convicts went into the woods, where they joined a convict (named James Clarke) who had been out a fortnight; they continued plundering the grounds of settlers and others, and were so daring as to make an attack on the stock in the farm-yard, and had succeeded so far as to cut the throat of a fine goat, but on being discovered they left the carcass behind them; having just before plundered my garden, and those of other officers of everything they could take. These daring outrages made it necessary for me to publish a proclamation declaring those fugitives to be outlaws, and for every person to use their utmost to take them, dead or alive, at the same time offering a reward to those who might apprehend them. Four were taken on the night of the 29th, and as the next day (Saturday) was the day the provisions were issued, the justices having found them 'guilty,' they received 100 lashes each, in part of 300 to which they were sentenced, and also to be kept at hard work and in irons during the remaining part of the transportation. On the night of the 30th another man was brought in, who was the principal confederate of the convict who had been out so long, and avowed himself the person who had killed the goat, saying he did it in hopes he should be hung. This hardened wretch is not more than 18 years of age, and has made two attempts to murder people. The principal still remains in the woods, notwithstanding the greatest search is made for him. The next day being Sunday I forgave the first four, as they came in the Pitt, and as the tales which had been told them of the woods affording a livelihood was a strong inducement.

"As the settlers have been so frequently robbed by the run-away convicts, they applied to me for arms, which I granted to them.

"About 100 acres of Indian corn have been planted, many acres of which we have been obliged to replant three different times, owing to the destructive effects of the ground grub, which have destroyed the whole of the corn growing on the flats, but the greatest part of the hundred acres is very thriving, and has a promising appearance of doing very well; the Indian corn, wheat, &c., planted by the different settlers also looks well, and everything at present promises ample returns. The new ground is not at all infested by the ground grub, which gives the settlers a very great advantage over the public grounds, which are greatly infested with them, and occasions great loss of seed and labour.

1792.
4 Oct.

Report from
Norfolk Island.

1792.
4 Oct.

Report from
Norfolk Island.

“The following is an exact statement of the numbers now on the island:—

Officers, civil and military, non-commissioned officers, and free people, with their wives and children. }	121
Settlers from the marines, seamen, and convicts	123
Wives, women, and children belonging to the above	179
Convicts taken off the store by settlers, and convicts who have served their time of transportation, and who provide for themselves. }	men 59 women .. 17
Servants to officers, overseers, watchmen, under the Provost-Martial, hospital cooks, barbers, taylor, bakers, employed at the stores, shoemakers, and assisting the surveyor. }	101
Clearing half-acres, &c., for settlers	60
Average number of sick during the month, including invalids. }	91
Women who do not work from being incapacitated, living with officers as washing-women, having young children, and children. }	137

888

“Deduct 59 men and 17 women off the store, remains 812 persons on the island, who do nothing towards maintaining themselves.

“The whole number of souls on the island is 1,115, from which number taking 812, there remains 303 convicts (including 22 females), to carry on all the works, namely, sawing, carpenters, boat-building, blacksmiths, shingle-makers, charcoal burners, masons and labourers, quarrymen, lime-burners, lath-makers, paling, barrow-men, bringing stones for building, and the cultivation of the ground for the public use, thatchers, thrashers, &c.; 158 of the above are constantly employed in cultivation, consequently 145 remain to carry on the other works. I have made the above statement in order to give your Excellency an idea of the small progress we have made since being on a reduced ration.

“The robberies, both on public and private property, having for these some months past been of so daring a nature, and the situation of the island, and those upon it, requiring some examples to prevent the growing property of the settlers and the public being plundered, I do not doubt but that your Excellency will see the great necessity of stopping these practices which strike so deeply at the peace and property, as well as the public security.

“James Clarke, a convict who has been for some time past a fugitive in the woods, and has constantly plundered the grounds of several people, was shot at by Leonard Dyer, whose ground he was robbing at the time he shot him.

"This unhappy wretch, who was killed, has been constantly in the woods these four months past, and has been a terror to every settler. Every patch of potatoes or cabbages were plundered by him, and notwithstanding the greatest exertions were made by the different settlers to detect him, he always succeeded in robbing them, and got off with his booty.

"The quantity of ground sowed, belonging to the public, is nearly as follows, viz.:—In and about Arthur's Vale, one hundred and six acres of wheat, and seventeen acres of maize; at Queensborough, twenty-six acres of wheat, and ninety acres of maize; at Phillipburgh, fourteen acres of maize, all which is very thriving, and I have a great pleasure in informing your Excellency that there is every appearance of a plentiful crop from the quantity of ground sowed, which would have been much greater but from the work being carried on so very slowly, owing to the shortness of the ration, and the weak state of the labouring part of the convicts, and a quantity of ground originally cleared for the Government, which has unavoidably fallen into settlers' lots. Excepting a few, the settlers in general do very well; most of them have a good space of ground cleared on their different lots, and their crops are in great forwardness.

"The seamen and marines late belonging to the Sirius are all doing very well, and will in a few months be in very good circumstances, as their crops are likely to be good.

"I am sorry to say that no amendment is made in manufacturing the flax of this island. I am confident that a native of New Zealand would in a short time enable us to make a great progress in cloathing; but 'till then I fear we shall not be able to improve on the pattern now sent. Your Excellency may depend on my doing my utmost to promote that, as well as every other improvement.

"Respecting Mr. Chapman's appointment as storekeeper at Phillipburgh, the necessity of that appointment will be very obvious, as two-thirds of the Atlantic's cargo is landed there, and where provisions are issued.

"J. T. Doidge, late superintendant of convicts, is become a settler. I have to request being informed what are the encouragements and conditions on which the superintendants settle.

"The quantity of ground now in cultivation for the use of the public, and which I have mentioned in a former part of my letter, is two hundred and fifty-three acres, and I hope ten or twelve acres in addition will be cropped by the middle of November. Everything at present appears likely to yield a good return, which may be estimated at upwards of five thousand bushels; much may also be got from the different settlers, and other individuals, if I receive orders to purchase it.

1792.
4 Oct.

Report from
Norfolk Island.

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Report from
Norfolk Island.

"I think it highly probable that the store will be eased of two hundred people if the crops belonging to private persons turn out good; but the whole of the above statement must depend on the continuation of the present favourable aspect, for the time is not past when a great part of our crop may be hurt by the grub and caterpillar, many acres of maize have been planted thrice.

"The unavoidable reduced labour, in consequence of the short ration and the other reasons which I have had the honor of pointing out to your Excellency in a former part of my letter, have prevented that quantity of ground being cleared which would have enabled us to become every year more independent; but I am sorry to say that our labour these nine months past (from the above causes) has not been so great as might be expected; but as these difficulties will in a part be done away very soon, I hope next year, or after this crop, to answer that part of your letter wherein you wish to know the time when further supplies may be no longer necessary with more certainty than I possibly can now. But it is my present opinion that we shall be independent for grain and flour after the next year's crop, if this and the succeeding one turn out well. Respecting animal food, that will be some time longer necessary, particularly for the civil and military, although there will be a great quantity of swine on the island next year if our crops don't fail.

"Having with infinite labour made an opening on the stone beach at Cascade Bay for landing, I found after a gale of wind from the northward that it was filled up with large stones. I therefore turned my attention to erecting a crane on the landing-rock, at the east end of Cascade Bay, which is connected with the road by a strong and well-framed bridge, and some rocks that were under water, and have been blown to pieces, have rendered the north side of the island very accessible, and have removed every obstacle respecting landing safely and conveniently on this island, which now can be always easily effected either in Sydney or Cascade Bay, as they reciprocally become the lee side of the island. But artificers are much wanted."

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England*; acknowledged by the Rt. Hon. Henry Dundas to Lieut.-Gov. Grose, 31st June, 1793.)

Sir, Sydney, New South Wales, October 4th, 1792.

In the return of settlers† which I have the honour to transmit herewith, you will observe the name of Arndell to a grant of sixty acres of land. He is an assistant surgeon, who wishes to

A grant to
surgeon
Arndell.

become a settler, and who has with that view got about ten acres of land in cultivation at his own expence; and as I understand that some encouragement was given to the surgeons, to expect being put upon the staff, and to receive half-pay after a certain time of service, I am induced, from the good conduct of the assistant surgeon, Mr. Thomas Arndell, and his attention to his duty, to beg leave to recommend him as deserving of some reward for his past services. He continues to do his duty at Parramatta, where he has had the direction of the hospital for near three years, and will be continued in that charge until he receives permission to retire, and which he has requested by letter, a copy of which I have the honour to enclose.

1792.
4 Oct.

From particular circumstances not immediately necessary to trouble you with, I signed the grant for the sixty acres of land, and which, as the colony will be benefitted thereby, I hope will be approved of: although, as holding a place under the Crown, Mr. Arndell does not immediately come under the description of any of those to whom I have been directed to grant lands.

As an assistant surgeon will be necessary when Mr. Arndell is permitted to retire, I beg leave to recommend Mr. Edward Laing, who is at present surgeon's mate to the New South Wales Corps, to be one of the assistant surgeons to this colony. I have, &c.,

Surgeon Laing.

A. PHILLIP.

[Enclosure No. 1.]

RETURN of settlers and persons to whom lands have been granted :

At and near Parramatta.

Settler, late superintendant of convicts.....	1
Settlers, late of the marines	8
Do., seamen late of his Majesty's ship Sirius.....	2
Do., convicts whose sentence of transportation have expired	53
An assistant surgeon (Mr. Thos. Arndell)	1
An emancipated convict, who acts as assistant surgeon.....	1

At Norfolk Island.

Settlers from the marines	46
Do. from his Majesty's late ship Sirius (seamen)	8
Do. from the Supply, armed tender (do.)	1
Settlers from convicts, times expired.....	3
Desirous of becoming a settler, J. T. Doidge, late superintendant of convicts	1
Desirous of becoming settlers, convicts whose times are expired	45

Sydney, 8th October, 1792.

A. PHILLIP.

1792.
4 Oct.

[Enclosure No. 2.]

MR. THOS. ARNDELL TO GOVERNOR PHILLIP.

Sir,

Parramatta, 10th July, 1792.

Finding myself advancing in life, and wishing to provide for a family who depend upon me for a support, I take the liberty to request that your Excellency will be pleased to move his Majesty's Ministers to permit me to retire from the service, with such part of my pay as my services in this country may be thought to merit; and that the land, which I have began to cultivate, with a view to becoming a settler, may be granted me for that purpose.

I have, &c.,
THOMAS ARNDELL.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England.*)

Sir,

Sydney, New South Wales, October 4th, 1792.

Additional
company for
N.S.W. Corps.

The desire I had of securing to his Majesty's service in this country those marines who had been selected to remain here when the rest of the detachment was embarked, induced me to nominate Captain Lieutenant George Johnston to the company to be annexed to the New South Wales Corps, until his Majesty's pleasure should be known, pursuant to Lord Grenville's letter of the 7th of November, 1791,† which informed me that his Majesty had been graciously pleased to permit me to recommend such officers as I deemed deserving of the royal favour.

I have thought that the opportunity of retaining a certain number of soldiers who had distinguished themselves by their good conduct for more than four years was not to be lost, although their numbers were not sufficient to form a complete company; and most of them offered themselves on condition of their serving with the officer under whose command they had been left when the rest of the detachment was embarked for England, and who I beg leave to recommend as a deserving officer, who is very properly qualified for the company.

I hope that my not having waited for further directions from the Secretary of War will be justified by the necessity of immediately accepting the offer made by those men of inlisting; for had I waited for the arrival of a ship from England, it was more than probable that, on their seeing themselves at the eve of returning home, few of them would have been willing to have remained in the country.

Of the fifty-nine non-commissioned officers and privates of the marines thirty-eight have inlisted; and four men, whose sentences

* Note 202. † Note 218.

had expired, and who since their arrival in this country had conducted themselves properly, have been permitted to enlist.

1792.
4 Oct.

I have, sir, to beg leave to explain that my saying in my former letter of the 5th of last April that I had nominated Captain Lieutenant George Johnston to the company proceeded from the hurry in which I then wrote, the ship by which that letter was sent having at that time left the cove and then going to sea. My meaning was, that he was charged with the command of the company until his Majesty's pleasure should be known, and I only meant to recommend him for the company, and for which his conduct during his service in this country has given him so good a claim.

Of the marine settlers at Norfolk Island, nine have also given up their lands and enlisted with Captain Johnston, so that the strength of his company is three serjeants, three corporals, two drummers, and forty-six privates, of which number forty-seven are from the marines, two drummers, soldiers' sons, one private from a transport, and four from men whose sentences were expired.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England.*)

Sir, Sydney, New South Wales, 8th October, 1792.

8 Oct.

I have the honor to enclose a list of the superintendants and others who are employed at this settlement, and at Norfolk Island, as also the names of those superintendants who have died, or been discharged.

Superintendents

The present number of superintendants, and those classed under that denomination, exceed the number provided for in the estimates, but there is a necessity of having a master carpenter at Norfolk Island, as well as at this settlement, and as the one who now acts in that capacity here cannot be removed without some inconvenience to the individual, the master carpenter who came out in the Royal Admiral goes to Norfolk Island, and the convict whose term of transportation being expired, now acting there in that capacity, will be otherwise disposed of.

Mr. Donovan, late midshipman of his Majesty's ship Sirius, and who has been usefully employed in Norfolk Island, is said to be appointed a lieutenant in the Royal Navy, and will therefore be discharged on the first ship's going to the island, in order for his returning to England.

John Davis will be discharg'd as soon as the Atlantic is ready to sail, as two convicts now employed in the stores, and to whom

1792.
8 Oct.

emancipation at a future period has been promised, provided they remain faithful to the trust reposed in them, will supply his place; and Andrew Hume will be permitted to become a settler, which will reduce the number to the limits prescribed by the estimate.

I have, &c.,
A. PHILLIP.

[Enclosure.]

Return of
superintendents

RETURN of Superintendants of Convicts, Store Keepers, and others necessarily Employed in His Majesty's Settlements in New South Wales.

Names.	Where and how Employed.
	<i>At Sydney.</i>
Philip Divine.....	Superintendant of Convicts.
John Davis.....	Charged with landing Provisions at Sydney, and with the care of the Boats employed carrying Provisions and Stores between that place and Parramatta, from 1st of December 1791 (was Gunners Mate of His Majesty's Ship Sirius).
Thomas Smith.....	Charged with Superintending the Receipts and delivery of Provisions Stores and Cloathing from the 17th of August 1792. was a Serjeant of Marines and discharged from that Corps.
James Bloodsworth.....	Employed as a Master Bricklayer from 1st of September 1791.
	<i>At Parramatta.</i>
Thomas Clarke.....	Superintendant of Convicts.
John Livingstone.....	Employed as a Master Carpenter from the 1st of April 1791.
William Broughton.....	Store Keeper at Parramatta, from the 20th of February 1789.
	<i>At Toongabbe.</i>
Thomas Daveny.....	Charged with the direction of the Convicts Employed in Cultivation from the 1st of April 1791.
	<i>At Norfolk Island.</i>
Mr. Stephen Donovan....	Directs the landing of Provisions and Stores from the 1st of December 1791.
Andrew Hume.....	Superintendant of Convicts.
William Neate Chapman	Store Keeper at Phillipsburgh (Norfolk Island) from the 10th of December 1791.
Darcey Wentworth.....	Superintendant of Convicts (Vice Doidge) from the 10th of December 1791.

RETURN of Superintendents of Convicts, Store Keepers, and others necessarily Employed in His Majesty's Settlements in New South Wales—(*continued*).

1792.
8 Oct.

Names.	Where and how Employed.
<i>Late Superintendents.</i>	
Henry Edward Dodd.....	Died the 28th January 1791.
Walter Broady.....	Master Blacksmith—went Home with the Sirius's Ships Company to which he belonged, the 28th March 1791.
Phillip Schaffer.....	Settler near Parramatta since the 30th March 1791.
David Burton.....	Died at Parramatta the 13th April 1792.
William Thomas Doidge.	Late Superintendant at Norfolk Island, Gave up his Engagement the 10th of December 1791.

Sydney October 8th 1792.

A. PHILLIP.

THE VICTUALLING BOARD TO GOVERNOR PHILLIP.

(Per store-ship Speedy.*)

Sir,

Victualling Office, 9th Oct., 1792.

9 Oct.

Since our Letter to you of the 7th of September last, Naval stores. Three Receipts as hereunder described for Provisions etc. returned from His Majesty's Ship Sirius and the Supply armed Tender to the Commissaries at New South Wales have been delivered into this Office, vizt.

A Receipt signed Thomas Freeman Deputy Commissary for sundry Articles saved out of the Wreck of the Sirius and returned into Store at Norfolk Island (per endorsement on the back of the said Receipt) between the 19th of March 1790 and 10th of Feby. 1791.

A Receipt signed Roger Murley Storekeeper for sundry Provisions etc. saved from the Wreck between the 19th March and 9th April 1790.

A Receipt signed And. Miller Commissary dated the 8th April 1791 for Provisions etc. returned into Store at Norfolk Island on the 22nd of March preceding from the Supply armed Tender.

We therefore request that you will be pleased to give directions to the several Commissaries etc. not only to render proper Accounts and Vouchers to this Board by the first conveyance of

* Note 218a.

1792.
9 Oct.

the Provisions, etc. they may issue as desired by our before mentioned Letter but also of those they may receive on account of this Department.

We are, &c.,

G. P. TOWRY.	W. BOSCAWEN.
FRAS. STEPHENS.	A. CHORLEY.
S. MARSHALL.	

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England.*)

Sir, Sydney, New South Wales, 9th October, 1792.

Provost-Marshal
Brewer.

A person to discharge the duty of Provost-Martial being indispensibly necessary on my arrival in this country, and the person who was appointed in England, Mr. George Alexander, having thought proper to remain on shore when the ships sailed, I appointed Mr. Henry Brewer,† then a rated midshipman on board his Majesty's ship *Sirius*, to act in that capacity, which he has continued to do from the 26th of January, 1788, the date of my warrant; and having had very sufficient reason to suppose that it never was Mr. Alexander's intention to come to this country, I detained Mr. Brewer to fill that office, and having recommended him to the Secretary of State for the appointment, I was given to understand by Mr. Nepean that my request would be complied with; but Mr. Brewer's agent now writes that no pay could be received for him as Provost-Martial, as he was not confirmed in that office.

I therefore beg leave to lay the whole of his case before you, and as no fee nor any kind of emolument attends the office of Provost-Martial, and the person in question has done the duty near five years, he will be involved in difficulties from which he never will be able to extricate himself, unless he receives the appointment annexed to the office he has filled; and I also beg leave to recommend him for a confirmation of the appointment of Provost-Martial to this territory.

Storekeeper
Broughton.

William Broughton, who has acted as storekeeper from the 20th of February, 1789, and who is now employed in that character at Parramatta, is also informed by his agent that no money could be received on his account. This person has been included in the returns sent home, and has been promised the same salary as is allowed to a superintendant, and for which, and for an order being given for his salary being paid in England, I beg to recommend him. He is greatly distressed by the disappointment.

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY KING.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England.*)

1792.
11 Oct.

Sir, Sydney, New South Wales, 11th October, 1792.

I have received your letter, dated the 15th of May, by the Royal Admiral, inclosing the copy of an agreement made with the master carpenter and master miller. The settler, Jameson, with his family, arrived in this ship. Despatches.

I have, sir, also to acknowledge the receipt of the estimates from October, 1792, to October, 1793.

The Royal Admiral arrived here the 7th instant. When that ship left the Cape of Good Hope, which was on the 30th of August last, the Kitty had not then arrived there. Transports' movements.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England.*)

Sir, Sydney, New South Wales, 11th October, 1792.

I am honoured with your letter by the Royal Admiral, dated the 15th of May last, which ship arrived here the 7th instant. Despatch.

Of the convicts embarked on board that ship, ten men and two women died on the passage, and four children were born, one of whom died; one male convict escaped at the Cape of Good Hope, and seventy-two men, eleven women, and five children have been landed sick. I have no doubt but that strict justice has been done them, and hope the sending out convicts and stores by ships employed in the service of the East India Company will answer the end proposed by Government; but, sir, if I was to give an opinion, I think the people have been too much crowded on board this ship. Convicts per transport
Royal Admiral.

That there are great numbers of spermacetic whales on this coast is confirmed by all the whalers; but, I believe, not one of them gave the coast a fair trial, nor can I suppose that they left it solely on account of bad weather and strong currents. The weather on the coast of Brazil is not better than it is on this coast, nor have the whalers there those advantages of harbours which ships employed on this fishery would have; as to the currents, they are pretty much the same on both coasts. Whaling.

The permitting of spirits amongst the civil and military may be necessary, but it will certainly be a great evil.

The want of a place in which the copper and other articles on board the Barrington and other transports would have been secure

1792.
11 Oct.

Private
shipments in
third fleet
transports.

had it been seized, until the legality of that measure had been determined, and the not having the last Acts of Parliament relative to the southern fishery, were amongst the reasons which induced me to let the transports proceed on their voyage, and for which I am now very sorry.*

The Commissary is directed to mark the quantities of every article wanted when he makes demands; he will also inform the Treasury that no further supplies of thread, yarn, or stills will be necessary for three or four years.

General
reports.

What relates to live stock and the culture of the ground will be seen in my letter marked No. 2.†

The master carpenter and miller are landed, as is the person sent out to become a settler, or to be otherwise employed in the colony.

The port wine, spirits, and tobacco which are to be furnished the officers and others at prime cost, will be a matter of great conveniency to those persons.

Phillip's
resignation.

You are, sir, pleased to express your regret at my being obliged to return to England on account of my health, and I feel much satisfaction from the manner in which that circumstance is mentioned.

How far that part of your letter to which the above alludes may have been intended to convey to me his Majesty's permission to return, I am doubtful, and although I am inclined to think it has been written with that intention, and feel how necessary it is for me to give up, at least for a time, the charge of this Government, which is very far from what I wish to do at the moment the colony is approaching to that state in which I have so long and anxiously wished to see it; still, sir, I fear there is a possibility of its being expected that I should remain until permission to quit the Government is more fully and clearly expressed; and as there appears to be a wish that I should remain in this country some time longer, I shall wait the arrival of the next ships.‡

I have, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO THE RIGHT HON. HENRY DUNDAS.
(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England.§)

12 Oct.

Sir, Sydney, New South Wales, 12th October, 1792.

I have the Honor to inclose a Return of the Settlements at Sydney, Parramatta, Toongabbe, and Norfolk Island.

I have the honor to be, Sir, &c.,

A. PHILLIP.

* Note 219. † Note 220. ‡ Note 205. § Note 202.

[Enclosure.]

UNO. PALMER, Commissary.

1792.
12 Oct.
—
State of the
Colony.

1792.
13 Oct.

GOVERNOR PHILLIP TO UNDER SECRETARY KING.

(Per store-ship *Britannia* to the Cape of Good Hope, and thence to England.*)

Sir,

Sydney, October 13th, 1792.

I am favored with yours by Capt. Bond, who will receive every assistance he may want.

The Ship is clearing,† and there cannot be any doubt that he will arrive at China in time.

I am, &c.,

A. PHILLIP.

GOVERNOR PHILLIP TO UNDER SECRETARY NEPEAN.

(A private letter, per store-ship *Britannia* to the Cape of Good Hope.*)

16 Oct.
Despatches.

My dear Nepean,

Sydney, 16th October, 1792.

The *Britannia* going to the Cape, although very much against my inclination, gives me an opportunity of forwarding the despatches, and of saying that I most sincerely hope your voyage has restored your health‡

Phillip's
resignation.

The Atlantic will sail about the middle of next month, and most probably my letters by that ship will be the first you'll receive. As to myself,§ I have still to wait the arrival of another ship, and every day tells me that my return to England, for a time at least, is more and more necessary.

The manner in which Mr. Dundas speaks of my leaving this country is very handsome; but I do not well understand that part of his letter. I fear that it may have been supposed I would remain until His Majesty's permission was clearly expressed; and I should be sorry, after all my labours, to have it said on my return that I was not expected. The ship which was to follow the Royal Admiral will, I hope, clear up the doubt, and not only leave me at liberty to quit the Government, but also put the means of doing it in my power; otherwise I do not see how I am to get home after the Atlantic has sailed, unless it is by the way of China or the north-west coast of America, neither of which would be very agreeable to a man going in search of health. That you may long enjoy yours is the wish of a very sincere and faithful friend.

A. PHILLIP.

I suppose you'll hear from your brother, but as he has some doubts of writing by this ship, he is well and much better than he has been for some time.

* Note 202.

† Note 221.

‡ Note 222.

§ Note 205.

GOVERNOR PHILLIP TO UNDER SECRETARY KING.

(Per store-ship Britannia to the Cape of Good Hope, and thence to England.*)

Sydney, New South Wales,

17th October, 1792.

Sir,

The Britannia not having sailed so immediately as was expected, when my letter to you of the 4th. instant was written has enabled the Surveyor to furnish me with an exact Return of the quantity of Ground in Cultivation in this Country, and which I have the Honor to inclose for Mr. Secretary Dundas's information.

I am, &c.,

A. PHILLIP.

[Enclosure.]

A RETURN of Land in Cultivation at the Different Settlements, 16th October, 1792.

	Wheat.	Barley.	Oats	Maize.	Garden Ground.	Vines.	Ground cleared of Timber for Planting.	No. of Acres.
At Parramatta, under the direction of the Superintendent Clark	30	71 $\frac{1}{2}$	1	305	4	..	....	320 $\frac{3}{4}$
At and leading to Toongabbe, under the direction of the Superintendent Daveny	171 $\frac{1}{2}$	14	..	511	..	..	....	696 $\frac{1}{2}$
<i>Settlers.</i>								
At Parramatta—								
James Ruse, settled 21 Novr., 1789† ..	3	..	..	18	1	..	7	29
On the Creek leading to Parramatta—								
Robert Webb ..	1	..	..	5 $\frac{1}{2}$	..	..	2	8
William Reid ..	..	..	..	6	1	..	5	12 $\frac{1}{2}$
Philip Schaeffer ..	2	..	..	27	1	1	8	39
John Irving ..	..	..	..	9	..	..	2	11
Thomas Arndell ..	2	..	..	16	..	..	3	21
Charles Williams ..	..	..	..	10	..	..	2	12 $\frac{3}{4}$
James Stuart ..	..	..	..	7	..	..	....	7 $\frac{1}{4}$
At Prospect Hill, 4 miles to the westward of Parramatta—								
John Silverthorn ..	1	..	..	5	..	..	....	5 $\frac{3}{4}$
Thomas Martin ..	..	..	..	4 $\frac{1}{2}$	..	..	....	5 $\frac{1}{4}$
John Nichols ..	1	..	..	6 $\frac{1}{2}$	..	..	....	7 $\frac{1}{2}$
William Butler ..	1	..	..	4 $\frac{1}{2}$	..	..	....	5 $\frac{1}{4}$
George Lish ..	..	..	..	4 $\frac{1}{2}$	..	..	....	5
William Parish ..	1	..	..	5	..	..	....	6
William Kilby ..	1	..	..	9	..	..	....	10
Edward Pugh ..	..	..	..	7 $\frac{1}{2}$	..	..	....	8 $\frac{1}{2}$
Samuel Griffiths ..	1	..	..	5	..	..	....	6
John Castles ..	..	..	..	7 $\frac{1}{2}$	..	..	....	8 $\frac{1}{2}$
John Williams ..	..	..	..	4 $\frac{1}{2}$	..	..	....	5 $\frac{1}{4}$
John Herbert ..	1	..	..	5 $\frac{1}{2}$	..	..	....	6 $\frac{1}{4}$
Joseph Morley ..	1	..	..	5	..	..	....	6
John Brown ..	..	..	..	2	..	..	....	2
John Limeburner ..	..	..	..	2	..	..	....	2
John Trace ..	..	..	..	2	..	..	....	2
John Baughan ..	..	..	..	2	..	..	....	2
John Ocrafft ..	..	..	..	3	..	..	....	3
Carried forward	191 $\frac{1}{2}$	21 $\frac{1}{2}$	1 $\frac{1}{2}$	1,001 $\frac{1}{2}$	8	1	29	1,252 $\frac{3}{4}$

A RETURN of Land in Cultivation, &c.—*continued.*

1792.
17 Oct.
Return of
land in
cultivation.

	Wheat.	Barley.	Oats.	Maize.	Garden Ground.	Vines.	Ground clear'd of Timber for Planting.	No. of Acres.
Brought forward	191½	21½	½	1,001½	8	1	29	1,252½
At the Northern Boundary Farms, 2 miles from Parramatta—								
John Parr Settled 27 Augt., 1791....	1½	...	...	8	1	...	2	12½
Simon Burn "	1½	...	...	12	...	...	...	14
Joseph Carver..... " 19 March, 1792 ..	...	...	...	4	...	...	4	8½
John Rowe " 1 April, 1792 ....	...	...	...	5	...	...	3	8½
William Whiting.. " 12 May, 1792 ....	...	...	...	6	...	...	2	8½
At the Ponds, 2 miles to the N.E. of Parra- matta—								
John Summers Settled 18 July, 1791 ..	1	...	...	2½	...	...	...	3¾
John Richards..... "	...	...	...	2½	...	...	...	3½
William Field ..... "	...	...	...	3½	...	...	5½	10
John Ramsay "	1	...	...	10½	3½	...	...	15
Curtis Brand "	1	...	...	5	...	...	...	6
William Hubbard .. "	1	...	...	6	...	...	...	7
Joseph Bishop..... "	1	...	...	3	...	...	...	4
Mathew Everingham "	...	4	...	5½	...	...	1	7½
William Wade 5 Aug., 1792....	1	...	...	1	...	...	2	4
John Anderson " 12 Aug., 1791 ..	½	...	...	4	...	...	1	5½
Edward Elliot "	...	1	...	5½	...	...	3	9½
Joseph Marshall .. "	...	1	...	5	...	...	2	8
Edward Varndell .. " 10 Sept., 1791 ..	1	...	...	3	...	...	...	4
Anthony Rope..... " 10 Jan., 1792..	1	...	...	3	...	...	...	4
John Pedwick..... " 19 Feby., 1792..	...	...	...	2	...	...	...	2½
Thomas Haward " 2 March, 1792 ..	...	...	...	1	...	...	...	1
At the Field of Mars, on the North Shore, near the Entrance of the Creek leading to Parra- matta—								
James Manning Settled 3 Feby., 1792 ..	...	...	...	5	½	...	10	15½
John Carver..... "	...	...	...	6	...	...	...	6½
Alexander McDonald "	1	...	...	10	...	...	7	18½
Thomas Swinerton .. "	...	...	...	5	...	...	5	10
Thomas Tining "	1	...	...	4½	...	...	6	12
Thomas Cotterel.... "	1	...	...	5	...	...	2	8
Isaac Archer..... "	1	...	...	4	...	...	1	6
John Col-thread.... "	...	...	...	5	...	...	...	5
At the Eastern Farms—								
William Careless.... Settled 10 Janry., 1792 ..	...	...	...	5	...	...	...	5
William Weavers .. "	...	...	...	6	...	...	...	6
John Beezeley..... " 24 Janry., 1792 ..	...	...	...	1½	...	...	...	2½
John Callaghan .... "	...	...	...	5	...	...	6½	11½
John Jones ..... "	...	...	...	2½	...	...	1	3½
William Jones ..... "	...	...	...	3	...	...	3	6
Thomas Chadwick .. "	...	...	...	2	...	...	...	2
William Tirrel..... "	...	...	...	4	...	...	...	4
John Lawrell ..... "	...	...	...	2½	...	...	1	3½
Richard Hawkes.... " 23 May, 1792 ..	...	...	...	4	...	...	...	4
Joseph Hatton..... " 29 May, 1792 ..	...	...	...	4	...	...	...	4
Richard Cheers " 15 Aug., 1792 ..	...	...	...	1½	...	...	...	1½
Governor's Garden at Parramatta .....	...	½	...	2	1	3	...	6½
Garden Ground belonging to different People, including the Convicts' Gardens .....	...	...	...	...	...	...	...	100
Ground in Cultivation by the Civil and Military in Sydney .....	...	...	...	...	...	...	...	62½
Total	208½	24½	½	1,186½	17½	4	100	1,703½

AUGUSTUS ALT, Land Surveyor-General.

DESPATCHES

TO AND FROM ENGLAND

DURING THE

ADMINISTRATION OF LIEUTENANT-GOVERNOR GROSE.

GOVERNOR PHILLIP embarked on board the transport *Atlantic* in the evening of the 10th December, 1792, and sailed at daylight next morning, whereupon the government of the colony devolved on Lieutenant-Governor Grose by virtue of his commission as Lieutenant-Governor, dated 2nd November, 1789 (see p. 405), and of the ante-penultimate clause of Governor Phillip's second commission (see p. 8), in the absence of Captain John Hunter.* The oaths of office were taken by Major Grose on the 31st day of December, 1792. He administered the government until his departure for England in the store-ship *Dædalus*, and on this vessel he embarked on the 15th and sailed on the 17th December, 1794.

* Note 222*a*.

DESPATCHES,

DECEMBER 1792—DECEMBER, 1794.

LIEUTENANT-GOVERNOR GROSE'S* COMMISSION.

George R.

George the Third, &c., to our trusty and well-beloved Major Francis Grose, greeting:—

WE, reposing especial trust and confidence in your loyalty, courage, and experience in military affairs, do, by these presents, constitute and appoint you to be Lieutenant-Governor of the settlement within our territory called New South Wales, in the room of Major Robert Ross, from and immediately after your arrival in our said settlement. You are, therefore, as Lieutenant-Governor to take the said settlement into your care and charge, and carefully and diligently to discharge the duty of Lieutenant-Governor thereof, by doing and performing all and all manner of things thereunto belonging; and we do hereby strictly charge and require all our officers and soldiers who shall hereafter be in our said territory, and all others whom it may concern, to obey you as our Lieutenant-Governor thereof; and you are to observe and follow such orders and instructions from time to time as you shall receive from us, our Governor of our said territory for the time being, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust we hereby repose in you.

Given at our Court at St. James's, the second day of November, 1789, in the thirtieth year of our reign.

By his Majesty's command,

W. W. GRENVILLE.

UNDER SECRETARY KING TO GOVERNOR PHILLIP.

(Per transport Boddingtons†; acknowledged by Lieut.-Governor Grose to Rt. Hon. Henry Dundas, 3rd September, 1793.)

Sir,

Whitehall, 31st December, 1792.

I avail myself of the opportunity of a ship's sailing from Ireland for New South Wales to forward to you copies of two letters‡ which Mr. Secretary Dundas has written to the Gov'r-Gen'l of Bengal on the measure of supplying the colony of New South Wales with live stock and provisions. Your opinion on this subject will of course be highly acceptable to Mr. Dundas.

1792.
31 Dec.

Proposed
supplies and
stock from
India.

* Note 222a. † Note 223. ‡ Note 224.

1792.
31 Dec.
Proposed
supplies and
stock from
India.

I also forward to you three packets, which were received in the course of last month from Calcutta, on the same subject, two of which with flying seals Mr. Dundas has perused.

As an additional number of convicts will most probably be sent out early in the ensuing year, Mr. Dundas will write to you by that opportunity.

I am, &c.,

J. KING.

[Enclosure No. 1.]

LORD GRENVILLE TO THE GOVERNOR-GENERAL OF INDIA.

My Lord,

Whitehall, 11th Octo., 1792.

The supplying his Majesty's colony of New South Wales as well with live stock as with Indian corn and the seeds of vegetables from Bengal is conceived to be a measure which must be highly advantageous to that colony, and I have in consequence received his Majesty's commands to desire that your Lordship will take such steps for carrying the same into execution as shall appear to you to be most adviseable.

It is deemed expedient for the present to confine the live stock which may be sent to sheep and a proportionate number of cows and bulls, as being best adapted to the present state of cultivation there.

I forbear to mention any precise number, as that must depend on the size of the vessel best adapted for such service, as well as on other local circumstances.

The Governor of New South Wales will be made acquainted by the first opportunity with the mode of supply herein adopted, in order that he may make such preparation for its reception as may be necessary.

GRENVILLE.

[Enclosure No. 2.]

THE RIGHT HON. HENRY DUNDAS TO THE GOVERNOR-GENERAL OF INDIA.

My Lord,

Whitehall, 19th Decemr., 1792.

Since Lord Grenville's letter to your Lordship of the 11th of October last respecting the supplying of New South Wales with live stock from Bengal, I have received from Messrs. Lambert, Ross, & Co. an account of the provisions shipped on board the Atlantic, transport, for that colony.

It appears from the contents of that letter that they have made proposals for supplying it with almost all the articles which are requisite, and that they have in consequence sent samples of such articles by Mr. Bowen, with the prices annexed, in order to decide upon the expediency of a future permanent and regular supply from Bengal, so long as the same shall be necessary. If, there-

fore, from the representation of his Majesty's Government of New South Wales it should be found that, agreeably to such samples, the articles themselves are such as are suitable to the nature of the settlement, it will probably be the ultimate determination of his Majesty's servants that the entire supply thereof shall be from Bengal. In that case, and in order to carry such a system into effect, it will be necessary for the Presidency to consider of the best and cheapest mode of providing such supply, and that the same may keep pace with the progressive increase of the colonists, regular returns of their numbers, of the articles of provisions and stores in hand, and of such as they stand in need of, must be duly transmitted to Bengal.

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31 Dec.

Proposed
supplies and
stock from
India.

In the meantime, I am to desire that in freighting a vessel with live stock, agreeably to the above-mentioned letter from Lord Grenville, your Lordship will take that opportunity of sending such a quantity of salted beef or pork, especially of the latter, as the vessel adopted for that service can conveniently carry, without too much interfering with the original purpose for which she is to be taken up.

I have more particularly instanced salted pork because I observe that two tons of it have already been sent as a sample by the Atlantic, and from the accounts transmitted I expect that it will succeed and become a regular article of supply.

Your Lordship will likewise take into consideration what mode of payment will be most in favor of Government, whether by navy bills or by bills on his Majesty's treasury, either of which, as a channel of remittance to Europe, must, of course, bear a considerable premium.

The numbers now in New South Wales and Norfolk Island, on a rough calculation, may be estimated at about five thousand.

I am, &c.,

HENRY DUNDAS.

[Enclosure No. 3.]

LAMBERT, ROSS AND CO. TO THE RIGHT HON. HENRY DUNDAS.

Sir,

Calcutta, 28th March, 1792.

His Excellency Governor Phillip having thought proper in conformity to the recommendation of his Majesty's ministers, to send the Atlantic, store-ship, to this place, for a supply of provisions for the colony of New South Wales, under the direction of Lieut. Richd. Bowen of his Majesty's navy, as naval agent, and his Excellency having been pleased to address the said ship to us and Mr. Robert Biddulph, in consequence of our joint letter and proposals to his Majesty's ministers for the Home Department, dated August, 1790,* which we have been given to

* Note 225.

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supplies and
stock from
India.

understand had been approved of. We now presume to address you, sir, upon the subject, tho' we doubt not but Lieut. Bowen hath fully informed his Majesty's ministers on the steps which have been taken for carrying into effect the instructions and orders of his Excellency Governor Phillip. We shall beg leave, therefore, briefly to state that on the arrival of Lieut. Bowen in the Atlantic, and being honoured with the commands of his Excellency Governor Phillip, we communicated with Mr. Biddulph on the subject (whose connection with us had for some time before ceased) and were concerting measures for carrying them into effect, when we received a letter from Lieut. Bowen informing us that his Majesty's ministers had instructed this Government in what manner the supplies for New South Wales were to be furnished, and that the orders of his Excellency Governor Phillip were, in consequence, superseded.

Immediately upon this the Government here advertised for proposals of contract, to be tendered for supplies of the different species of provisions wanted for the colony; but none having been offered that were thought advisable to be accepted, Lieut. Bowen found himself very unpleasantly situated; for, after applying individually to every mercantile house in town, none of them would undertake to furnish the supplies. Chagrined as we had been by the supersession of that confidence, we flattered ourselves it had been the intention of his Majesty's ministers and of Governor Phillip to repose in us. we yet felt for the disagreeable predicament in which Lieut. Bowen found himself, and for the necessities of the colony; prompted therefore by our zeal for the public good, we made a proposal to Lieut. Bowen, founded upon the principle of those we had the honour of submitting jointly with Mr. Biddulph to the consideration of his Majesty's ministers; adhering as nearly to the spirit of them as circumstances would admit, and undertaking to furnish the supply on the same terms we before offered, tho' from the present enhanced price of grain in consequence of a failure of the crop and existing embargo, we could have little hope of benefiting ourselves in any degree adequate to the trouble and risk we must necessarily run, and would, therefore, have fairly warranted a deviation.

Our proposals having been approved both by this Government and Lieut. Bowen, an agreement was drawn up betwixt Lieut. Bowen, on behalf of his Majesty, and us, under the sanction of the honourable Company's law officers, an attested copy of which Lieut. Bowen transmits to his Majesty's ministers by this opportunity, and to which we beg leave to refer you for the particulars.

The accounts which accompany the agreement will shew that it hath been punctually fulfilled on our part, and we trust in such

a manner as will prove highly satisfactory to his Majesty's ministers, and also to his Excellency Governor Phillip, having reason to believe it hath been to Lieut. Bowen, who hath witnessed our strenuous exertions, in not only compleating the terms of our engagements, but also in procuring whatever was thought would prove useful and beneficial to the colony, and which, we trust, will recommend us to the future favour of his Majesty's ministers, to be employed in furnishing such supplies as may be hereafter required, and can be supplied from hence.

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stock from
India.

The advantages which are likely to result to the infant colony at Port Jackson and Norfolk Island, by a frequent communication with this country, and the readiness with which supplies can be sent from hence in the proper season, are too obvious to require being pointed out here, and will we presume induce his Majesty's ministers to depend principally for supplies of grain from hence. But, with a view of rendering this intercourse still more beneficial, we have turned our thoughts towards curing beef and pork, in which we have no doubt whatever of succeeding, provided we meet with encouragement from Government, and that a contract be entered into for a fixed period, and for specific quantities. And we have the honour to enclose a paper, No. 1, stating the terms we are willing to undertake to furnish the whole supply of the above articles, and also the terms on which we are willing to supply a species of butter made in this country called ghee, and sugar, if it should be thought advisable to substitute that article in lieu, musters of both which we have sent to his Excellency Governor Phillip; the whole to be delivered at New South Wales, free of expense to Government, at the prices therein mentioned. And should our proposals meet the approbation of his Majesty's ministers, we will give such security for the fulfillment of our engagements, as we doubt not will be satisfactory. We beg leave to add that so strongly was Lieut. Bowen impressed with the expediency and practicability of supplying pork from hence, that he ordered about two tons to be sent on the Atlantic by way of experiment; and altho' the season for curing was past, we have little doubt but it will turn out satisfactory. Observing that if a contract is entered into, as we shall have the advantage of the cold season—from November until March—to feed and cure it, there is every reason to suppose we could furnish it of a still better quality; and we presume to think the low rate at which we propose will induce his Majesty's ministers to countenance the undertaking.

The cloathing with which the male and female convicts are supplied, we conceive, might also be furnished from hence at as cheap, if not a cheaper rate, than they are from home, besides

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and stock
from India.

having a decided superiority in point of quality, provided the woolen articles could be dispensed with, and from all the accounts we can learn of the climate, there does not appear to exist a necessity for them. We allude particularly to the outside and under jackets, flannel drawers, and worstead stockings. At present we cannot point out what manufacture of this country would best answer as substitutes for the jackets, but we shall inform ourselves on the subject; and in the meantime we have got made musters of shirts and trousers, of the same size as those supplied the convicts, and have sent them to Governor Phillip, together with three muster pairs of shoes and a blanket, mentioning to him the prices we can supply them for, and which we have the honour also to state you in a separate paper, number 2, accompanied with patterns of the cloths and blanket.

On the subject of grain, we have further to observe that in the event of our being honoured with the commands of his Majesty's ministers, or the Governor of New South Wales for the time-being, to furnish supplies (meaning to adhere to the prices first proposed) we must stipulate that the following proportions of the different species be demanded, vizt.:—

Soogee, in lieu of flour	$\frac{1}{8}$
Wheat	$\frac{2}{3}$
Peas or Dhall	$\frac{1}{8}$
Rice	$\frac{1}{4}$

And at the same time we would beg leave to recommend that flour or soogee should be rejected altogether, and an encreased proportion of wheat substituted in lieu thereof, it being the universal practice throughout India to export the wheat only which is found to be fresher, and always makes better bread than flour that has been long kept. In the present instance (tho' at an expence of nearly 50 p. cent. upon the price) we have furnished soogee in lieu of flour, the latter not having been approved of by Lieut. Bowen. And it is for this reason we are under the necessity of stipulating the proportions, for otherwise we cannot possibly afford to supply soogee in the lieu of flour unless the price is advanced to 26s. p. cwt. And this points out more strongly the expediency of sending wheat, and rejecting flour or soogee altogether, and the peas and rice to be supplied in the proportions, and at the prices, as before mentioned. But if two-thirds flour or soogee is demanded, and one-third peas (as his Excellency Governor Phillip wished), the former cannot be supplied for less than 26s. p. cwt., nor the latter at less than 16s.

And we beg leave further to recommend that we may be furnished with orders for the full supply of grain wanted in time to be able to dispatch the same from hence by the beginning of the

month of December, all grain being in the greatest perfection about that period, and it being the most favourable season for ships to make a quick passage down the Bay of Bengal.

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Proposed
supplies
and stock
from India.

For the payment of such supplies as may be furnished by us, we beg leave to propose that we should have a credit upon this Government, to be paid at the exchange of one shilling and eleven-pence per current rupee, or be authorised to draw bills on the Right Honble. the Lords Commissioners of his Majesty's Treasury at the usual date of ninety days' sight, under the sanction of the Governor-General in Council, by way of imprest (when they are satisfied certain proportions of the supplies are actually shipped) and for the balance, when the supplies are completed, accompanied by authenticated accounts of the whole.

We must now crave your excuse, sir, for having trespassed so long upon your time, which must necessarily be wholly occupied by the weighty affairs of state, and other momentous concerns; but conceiving it to be of great importance, as well to the interests of the nation as to the infant colony settled in the southern hemisphere, that a competent idea should be formed of the capacity of this country to furnish the necessary supplies that may be required, to foster them until they are in a condition and capable of supporting themselves, we have been induced to enter thus largely into detail upon the subject; and we presume to assure you, sir, that no private individuals in this country have it more in their power, or can better execute the orders of Government in sending supplies from hence to the new colony.

We have, &c.,

LAMBERT, ROSS, & Co.

[Sub-enclosures Nos. 1 and 2.]

[Copies of these terms have not yet been found.]

[Enclosure No. 4.]

LAMBERT, ROSS AND CO. TO GOVERNOR PHILLIP.

Sir,

Calcutta, 28th March, 1792.

We have the honour to acknowledge the receipt of your Excellency's letter, dated the 24th October, 1791, addressed to Lambert & Ross and Robt. Riddulph, which was delivered to us by Lieut. Richard Bowen on the 3d. of last month.

His Majesty's ministers having done us the honour to acquaint you with the proposals we made to them jointly with Mr. Bidulph in October, 1790, for supplying New South Wales from hence with different articles of provision, and in consequence thereof you have been pleased to address us on the subject, we signified to Mr. Bowen our readiness to undertake the providing of the supplies as far as we could, and at the same time

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31 Dec.

Proposed
supplies and
stock from
India.

acquainted this Government of the application made to us; but Lord Cornwallis, expecting a vessel to arrive here from the colony, having directed that the supplies should be provided by publick contract, an advertisement was issued by Government for proposals, but none were offered such as could be accepted.

Mr. Biddulph being at that time on the point of departing for Europe, declined having any further concern in the business. We therefore proposed to Mr. Bowen to provide a cargo as nearly as possible on the same terms offered by Lambert & Ross and Mr. Biddulph to his Majesty's ministers to land the different articles at New South Wales, which he submitted to the supreme board, and our proposals having met with their approbation, he determined on accepting them.

We have accordingly provided a cargo agreeable to an invoice, &c., delivered to Mr. Bowen, who carries with him a copy of an agreement entered into betwixt us, and of a bond executed by us for the due performance of our engagements which have been approved of by the hon'ble Company's Council here, as we trust they will by your Excellency.

Mr. Bowen will fully explain to your Excellency the impossibility of procuring any considerable quantity of flour or soogee without timely notice, as it has never been an article of exportation from hence, and consequently there is very little to be had in the market; and we regret that it has not been in our power to send a greater proportion of soogee, which we have preferred sending to flour, conceiving that it will keep better, and at the same time better answer the purpose for which it is required.

The other articles of wheat, rice dholl, and pease are always to be had in abundance, tho' from the failure of the crops lately the price of them has been very much enhanced.

Encouraged with the hopes that these supplies may arrive at New South Wales in good condition, and that the terms on which we have furnished them may be considered reasonable, we flatter ourselves that you may be induced to recommend to his Majesty's ministers that the colony should in future be supplied from hence with all kinds of grain; and with that expectation we have renewed our proposals to his Majesty's ministers, extending them to all kinds of supplies which may be required, and inclosed we take the liberty of sending your Excellency a copy of our letter on the subject to the Secretary of State for the Home Department, and we presume to hope that you may be inclined to recommend it to their attention.

We beg leave to observe to your Excellency that we have provided the supplies now sent under every disadvantage, both on

account of the high price of grain owing to the failure of the crops, and the consequent embargo, as well as on account of the season of the year, when no new grain is to be had.

1792.
31 Dec.

Proposed
supplies and
stock from
India.

Under these circumstances, it will appear evident to your Excellency that if a contract was entered into for any length of time, we should have the advantage of providing every article of supply at their proper seasons, and by that means securing everything of the best quality, whereas in the present instance we were obliged to take the best we could get.

At the request of Mr. Bowen, we have sent by way of experiment about two tons of pork cured here, which, we doubt not, will prove to be very good, altho' it has been prepared at an unfavourable season, when the weather was getting hot.

We have also sent samples of ghee, which we should conceive would be a good substitute for butter, and of sugar and molasses, the prices of which you will see stated in the papers accompanying our letter to the Secretary of State; as also of the different articles of cloathing, musters of which, and of different manufactures of cloth of this country, we have likewise the honour to send to your Excellency.

We have, &c.,

LAMBERT, ROSS, & Co.

[Enclosure No. 5.]

[A copy of the second letter of Messrs. Lambert, Ross & Co. to Governor Phillip has not yet been found.]

LIEUTENANT-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.
(Per American ship Hope, *viâ* China; acknowledged by the Right Hon. Henry Dundas to Governor Hunter, 1st July, 1794.)

Sir, Sydney, New South Wales, 9th January, 1793.

1793.
9 Jan.

I have to acquaint you that on the eleventh of last month Governor Phillip sailed from this country for Europe, on board of the Atlantic, transport, under the command of a lieutenant of the Navy,* taking with him the remains of the marine detachment.

Departure of
Governor
Phillip.

I need not assure you that I shall pay particular attention to such unexecuted instructions as have been received and left with me by Governor Phillip.

On the twenty-fourth of the same month, the Hope, an American ship, employed in collecting skins and carrying them to the China market, put into this port for the purpose of procuring wood and water, of which she was represented to be in great want. Her master, Mr. Benjamin Page, having informed me that he had on board a certain quantity of spirits and provisions for sale, I

The American
ship Hope.

1793.
9 Jan.

Purchase of
provisions and
spirits.

directed the Commissary to lay before me a state of the provisions then in store; and having reason to fear the crops would fail from the great drought which has lately prevailed, and to guard against the delays which have been observed to take place in the arrival of ships with supplies from England, I judged it my duty to avail myself of this opportunity, and have the satisfaction of acquainting you that by the purchase which I directed the Commissary to make I have augmented the quantity of provisions in the colony to seven months at the established ration.*

I lamented on this occasion being obliged to purchase his spirits, without which he would not agree to the disposal of his provisions. I, however, the less reluctantly consented, as it appeared from your letter of the 15th of May last that it was intended to issue spirits to the non-commissioned officers and private soldiers; but as it is not ascertained whether it is designed to be served as an allowance, or whether it is intended any deduction should be made from the soldiers' pay, I beg your further instructions on the subject, having, until such time as I am honoured with your reply, directed that a stoppage should be made equal to liquidate the purchase; and should it be resolved that the soldiers are to pay for the spirits, I beg to know in what manner the money is to be remitted or applied? At present the Commissary has been paid for whatever has been issued, and the money will of course continue in his possession until such time as your further directions are signified.

Trouble with
settlers.

I am sorry to report that I am much plagued with the people who become settlers, and who have evidently no other view than the purpose of raising a sufficient supply to pay their passages to England; and although Governor Phillip whilst here did everything in his power for their accommodation and assistance, they still persist in disposing of their stock; and a large flock of sheep which the Governor on his departure divided amongst them were, almost as soon as given, offered for sale; and I was absolutely obliged to encourage and promote the purchase of them by the officers, dreading that, without this precaution, the dissipation of a week would exterminate effectually a stock that had been the work of years to collect.

The Kitty.

The Kitty will take her departure with provisions for Norfolk Island in a few days, and on her return it is my intention to dispatch her immediately to England, should no unforeseen cause render her further services necessary.

I am happy to add that the colony in general is healthy, and that we seem daily to improve in the cultivation of the country.

With all possible respect, &c.,

FRANS. GROSE.

SIR GEORGE YONGE TO GOVERNOR PHILLIP.

1793.
30 Jan.

Sir, W.O., 30th Jany., 1793.

I have been honor'd with your letter of the 31st March last, enclosing a General Return of the Troops under your Command. I have also received a Return transmitted by Capt. Paterson.

I am, &c.,

GEO. YONGE.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship *Bellona*, *via* China; acknowledged by the Right Hon. Henry Dundas to Governor Hunter, 1st July, 1794.)

Sir, Sydney, New South Wales, 16th February, 1793.

16 Feb.

I have the honour to enclose the duplicate of a letter I sent you by an American ship called the *Hope*, commanded by a Captain Page; and I beg your particular attention and instructions to that part of it which relates to the disposal of the money arising from the sale of spirits, a considerable quantity having already been distributed to the civil and military officers, and for payment of which the Commissary has received cash to the amount of £405, of which some small part has been applied for the purchase of stock.

Since the departure of this vessel I have received your despatches by the *Bellona*, which ship came to an anchor in the cove on the morning of the 16th of January. I am sorry to say great part of her cargo is materially damaged. I have directed a survey to be taken, and the report made to me on this business is herewith transmitted. The provisions she conveys to us, some small quantity of flour only excepted, are safe, and in sufficient quantities to ease us of any anxieties upon that subject; for although I do not feel myself authorised in serving a full ration, I wish to be understood that my precaution is for the purpose of guarding against future accidents, there being at this time in the stores five months' flour and ten months' beef and pork, without including the wheat that is reaped, or the Indian corn we are about to gather.

The store-ship
Bellona.

I have considered it expedient while on a reduced ration to make some little distinctions between the convicts and the civil and military people,* which difference will, of course, be discontinued whenever full allowance to the whole can with safety be issued.

Rations.

Your instructions relative to Mr. Consident† are communicated to him, and he will return to England by the *Kitty*. I have on this occasion been obliged to direct Mr. Edward Laing, the surgeon's mate of the New South Wales Corps, to act as an assistant-

The medical
staff.

* Note 227.

† Note 228.

1793.
16 Feb.

surgeon in the room of Mr. Considen, it being impossible, unless such arrangement had taken place, that the business of the hospital could be conducted. The gentleman I have appointed is known to Dr. Hunter.* He is very conversant with the diseases peculiar to this climate, and it will add to the comforts and safety of the colony if his situation is made permanent.

Appointment
of inspector of
public works.

I have also felt it absolutely requisite to appoint Lieutenant Macarthur an inspector of the public works, which, from their extent, and the description of people I have to deal with, I am unequal to manage by myself. I find, by the assistance of this officer, that we get a great deal more done than we used to do, and that the work in general is much better done. In deputing a trust of this kind it becomes an object of some importance to repose it where there can be no doubt of its being executed with the strictest attention, and, as I am confident my judgment will not be discredited in the choice I have made, I hope it will be considered expedient to confirm the appointment, annexing to it whatever salary may be considered adequate.

Land grants to
officers.

I have allotted to such officers as have asked one hundred acres of land, which, with great spirit, they, at their own expense, are clearing. Whether their efforts result from the novelty of the business, or the advantages they promise themselves, I cannot say, but their exertions are really astonishing; and I absolutely expect, if they continue as they begin, that in the space of six months the officers will have a track in cultivation more than equal to a third of all that has ever been cleared in the colony. As I am aware they are at this time the only description of settlers on whom reliance can be placed, I shall encourage their pursuit as much as is in my power.

Live stock to
be procured.

Your directions for purchasing stock will be as immediately attended to as the arrival of the *Dædalus* will admit, and horned cattle, sheep, and goats will be procured as soon as possible. Hogs and poultry are already in great abundance, the latter being at this time cheaper at Sydney than in London.

Free settlers.

The settlers sent out in the *Bellona* are placed in situations of their own choosing,† and the master millwright is employed at the mill. I am sorry to observe I do not expect much benefit from this man; he is by no means so expert as he pretends to be, and he has unluckily been on board the hulks as a convict. He is recollected by a number of his old associates, and, from some dirty tricks he has already attempted, I fear he has not forgotten all he learned when in that situation.

We are put to many difficulties for axes and saws, and, unless we are speedily supplied, I fear our wood-cutters will be much retarded.

* Note 229. † Note 230.

I shall be prepared and thankful to receive as many convicts as can conveniently be sent, and I have the satisfaction to say that we have at this time every appearance of an abundant harvest.

I am, &c.,

FRANS. GROSE.

[Enclosure.]

SURVEY OF BELLONA'S CARGO.

6th February, 1793.

PURSUANT to an order from his Honor Francis Grose, Esq., Lieutenant-Governor in and over his Majesty's territory of New South Wales and its dependencies, &c., &c., &c.

WE, whose names are hereunto subscribed, have taken a strict and careful survey on the cargo landed from the Bellona, store-ship, and find as follows, viz.:—

Survey of
Bellona's
cargo.

Flour, 11,088 lb. damaged in 69 casks; rotten, stinking, and maggoty; occasioned, in our opinions, by a continuance of wet on the passage out.

Pork, 1 cask; stinking, rotten, and unfit for men to eat.

Rum, 79 gallons, deficient in 7 puncheons; occasioned, in our opinion, from the stave of one cask being broke, and the heads of some others being started, so as to cause a leakage, which appears to have been owing to the slightness of the cask.

Wine, 198 gallons, deficient in 19 hogsheads, which appears to have leaked out of the different casks from the pressure and weight that have been stowed on them, the bung and adjoining staves of many of them being flattened in, and the chimes of three casks broke, and the heads of several of them started.

Molasses, 1,172 gall'ns, deficient in 76 h'h'ds, which appears to have leaked out, owing to the heat fermenting it on the passage out, many of the casks being landed empty and others nearly out.

Raven duck, 13,148 yards, in 68 bales; hammocks, 335, No.; rugs, 13, No.; brown cloth, 527 yards; rotten and decayed; occasioned, in our opinions, from a continuance of wet on the passage out.

Stationary, 1 case; the whole of the paper contained in the case totally damaged and unfit for use.

And we do further declare that we have taken this survey with such care and equity that (if required) we are ready to make oath to the impartiality of our proceedings.

Given under our hands, at Sydney, this 6th day of February, 1793.

RICH'D CLARKE, Agent.

THOS. LAYCOCK, Quartermaster,

N.S.W. Corps.

Attested—DAVID COLLINS.

1793.
3 April.

UNDER SECRETARY KING TO GOVERNOR OF NEW SOUTH WALES.
(Per store-ship William.)

Sir, Whitehall, 3rd April, 1793.

Civil estimates.

The House of Commons having voted the sum of four thousand six hundred and fifty-seven pounds eighteen shillings and one half-penny, for defraying the Civil Establishment at New South Wales from the 10th of October, 1792, to the 10th of October, 1793, I inclose to you a copy of the estimate upon which that vote is founded.

I am, &c.,
JOHN KING.

[Enclosure.]

ESTIMATE of the Charge of Defraying the Civil Establishment of New South Wales from the 10th of October, 1792, to the 10th of October, 1793.

	£	s.	d.
Allowance to the Governor	1,000	0	0
„ Lieutenant-Governor	250	0	0
„ Deputy Judge-Advocate	182	10	0
„ Commissary	182	10	0
„ Provost-Marshall.....	91	5	0
„ Secretary to the Governor.....	91	5	0
„ For Stationary	20	0	0
„ Chaplain	182	10	0
„ Surgeon	182	10	0
„ Three mates, each £91 5s.	273	15	0
„ Assistant do.	50	0	0
„ Surveyor of Lands	182	10	0
„ Lieutenant-Governor of Norfolk Island	250	0	0
„ Assistant Chaplain	146	0	0
„ Deputy-Commissary of Stores	91	5	0
„ Deputy-Commissary of Stores at Norfolk Island.....	91	5	0
„ Assistant Storekeeper.....	50	0	0
„ Deputy Surveyor of Lands	91	5	0
„ Twelve superintendants of convicts, at £40 per annum each...	480	0	0
„ Agent.....	150	0	0

Arrears of Salary.

Thomas Jamison, from 4th March, 1791, to 9th Oct'r, 1792, at £40 a year	£63	17	7½
David Burton, from 1st May, 1790, to 9th Oct'r, 1792, at £40 a year.....	97	10	10½
Thomas Freeman, from 10th July, 1790, to 9th Oct'r, 1792, at £40 a year	90	0	0
Thomas Daveney, from 8th March, 1791, to 9th Oct'r, 1792, at £40 a year	63	8	10
Will'm Broughton, from 20th Feb'y 1789, to 9th Oct'r, 1792, at £40 a year	104	10	9
		419	8 0½
Upon account for fees and audit.....		200	0 0
Total.....	£4,657	18	0½

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per ship Shah Hormuzear, *viâ* India; acknowledged by the Right Hon. Henry Dundas to Governor Hunter, 1st July, 1794.)

1793.
19 April.

Sir, Sydney, New South Wales, 19th April, 1793.

I have the honour to acquaint you that since the date of my last dispatches (copies of which are inclosed) a ship from Calcutta, loaded with stores and provisions, has arrived at this place.

Arrival of the
Shah
Hormuzear.

The master, being possessed of a copy of the letter written by the Secretary of State to Lord Cornwallis, dated the 6th of September, 1790,* as well as letters from his Lordship and General Abercromby to Governor Phillip, I considered it expedient to purchase that part of the cargo which the master professed to have brought for the use of the colony, the Commissary asserting that the salt provisions were, in his opinion, cheaper than they could be sent from England, and that the other articles (all of which were of a quality superior to any hitherto received in this country) were, as far as he could judge, offered on reasonable terms.

Purchase of
the cargo.

Although I should not at any time, when on a reduced ration, suppose it prudent to refuse the purchase of provisions, when such can be procured at a moderate price, I, on this occasion, the more readily consented, because it appeared that the voyage had been absolutely undertaken with the sanction and advice of Lord Cornwallis, who seems to have considered this mode of conveying supplies as preferable to taking up a ship.

I have been fortunate enough to procure from the master a quantity of copper sufficient for the vessel which had been received in frame by the Pitt; and as without that article she would very soon have become useless in this country, I was induced to purchase it, although the Commissary considered it to be charged high.

Your instructions† relative to procuring cattle I intended to obey immediately on the arrival of the *Dædalus*, but as we begin to be rather anxious for her safety, and as I am unwilling to delay a business of so much benefit and importance to the colony, being its only chance of supplying itself with animal food, I have availed myself of a contract offered by the master of the Calcutta ship who has engaged to bring one hundred head of cattle, on condition that a quantity of beef, rice, and dholl is also received from him; and as on this occasion no expences will be incurred on the part of Government, excepting for the articles which are absolutely brought to the colony, and as I have used my utmost endeavours, as will be perceived by the contract, to make it the interest of the parties to pay attention to the cattle in their con-

Cattle to be
imported.

* Note 231. † Note 228.

1793.
19 April.

Stores for
Norfolk Island.

Colonial
shipping.

veyance to this place, and as almost everthing is depending on that care, I hope and trust the end will be effectually answered.

In compliance with my former directions, I shall send home the Kitty, whether the Dædalus arrives or not, as soon as she can be got ready for sea; and to guard therefore against possibility of accident at Norfolk Island, I have conveyed by a whaler,* and the ship from Bengal, a large proportion of my stores and provisions, who consented for the sum of £340 to be loaded with as much as will render them completely independant of this place for upwards of twelve months.

I must beg leave to observe that in sending home the Kitty, which I do upon account of the expence attending her remaining any time in this country, the settlement will be left without any ship to employ between this and Norfolk Island, or on any emergency which might arise. The vessel which was received by the Pitt is not yet put into the water, neither is she calculated for the purposes of carrying a supply of provisions. It occurs therefore to me that a considerable saving would accrue to Government, and the taking up of ships in this place for that purpose avoided, if a clause was inserted in the charter-parties of such ships as may be hereafter freighted from England for this colony directing the master to proceed likewise to Norfolk Island if required by the Governor for the time being.

Inclosed are the Commissary's account of the articles bought on account of Government from the Shah Hormuzear, and of the time for which we have provisions in the colony, the engagements for the two ships for Norfolk Island, and the contract entered into for procuring cattle. Some dispatches received from Lieut.-Governor King are likewise here transmitted.

I am, &c.,

FRANS. GROSE.

[Enclosure No. 1.]

AN Account of Provisions and Stores purchased of Mr. William Bampton, Master of the Shah Hormuzear, for the use of His Majesty's Colony of New South Wales.

54 Tierces of Beef, net weight 317 lbs. each ...	17,118 lbs.
466 Barrels do. „ 195 „ ...	90,870 „
76 Casks of Flour . „ „ „ „ ...	36,539 „
1427 Bags of Wheat „ „ „ „ ...	230,622 „
151 do. Fine Rice „ „ „ „ ...	27,750 „
48 do. Pease „ „ „ „ ...	7,932 „
460 do. Grain „ „ „ „ ...	74,519 „
476 do. Paddy „ „ „ „ ...	54,668 „
88 do. Sugar „ „ „ „ ...	39,734 „
36 do. Pollard „ „ „ „ ...	2,336 „
1 Cask of Coniac Brandy „ „ „ „ ...	66 Galls.
3 Pipes of Madeira Wine	
25 Reams of Portuguese Paper	

* Note 232.

AN Account of Provisions and Stores, &c.—*continued.*1793.
19 April.

				ton.	cwt.	qr.	lb.
338	Sheets of Copper ...	...	...	0	20	0	25½
	Copper Nails ...	...	...	0	4	3	11
350	Bars of Flat Iron ...	...	...	7	3	3	14
20	Pair of Grindstones						

JNO. PALMER,
Commissary.

Sydney, New South Wales, the 6th of April, 1793.

[Enclosure No. 2.]

ACCOUNT OF PROVISIONS IN THE COLONY.

[*A copy of this enclosure has not yet been found.*]

[Enclosure No. 3.]

CHARTER OF THE CHESTERFIELD.

It is covenanted, concluded, and agreed upon, this sixth day of March, in the year of our Lord one thousand seven hundred and ninety-three, by and between Mr. Matthew Bowles Alt, on behalf of himself and the owners of the good ship or vessel called the Chesterfield, of London, southern whaler, whereof the said Matthew Bowles Alt is now master, now riding in Sydney Cove, in the harbour of Port Jackson, New South Wales, of the one part, and his Honor Francis Grose, Esq., Lieutenant-Governor of the territory of New South Wales, for and on behalf of his Majesty, of the other part, in manner following: That is to say, the said Matthew Bowles Alt doth promise and engage to receive on board forthwith, such persons, stores, and provisions as shall be directed to be put on board the said ship, and to proceed therewith to Norfolk Island, there to deliver (fire and the dangers of the sea excepted) the said persons, stores, and provisions, to the Lieutenant-Governor or officer commanding at the said island; there, having landed them, he doth further promise and engage to receive on board such passengers, not being in number likely to endanger the safety of his ship, as may be put on board him by the said Lieutenant-Governor or officer commanding at the said island, and return therewith to this port.

Charter of the
Chesterfield.

And in consideration of the above service so to be performed by the said Matthew Bowles Alt, the said Francis Grose, Esq., doth, on behalf of his Majesty, covenant and promise that the sum of one hundred and twenty pounds sterling shall be paid to the said Matthew Bowles Alt, his executors, administrators, and assigns, on his producing a certificate from the Lieutenant-Governor or officer commanding at Norfolk Island of his having landed the persons, stores, and provisions which he engaged to deliver at the said island.

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19 April.

To the true performance of this engagement, he, the said Matthew Bowles Alt, doth bind himself, his heirs, executors, and administrators, and the said ship or vessel, with her tackle, apparel, freight, and furniture, unto the said Francis Grose, Esq., for and on behalf of his Majesty, in the sum of sixty pounds sterling, to be recovered and paid by these presents.

In witness whereof, he, the said Matthew Bowles Alt, hath set his hand and seal to one part hereof, and to the other part hereof the said Francis Grose, Esq., for and on behalf of his Majesty, hath set his hand and seal the day and year above written.

FRANCIS GROSE.
M. B. ALT.

Signed, sealed, and delivered (where no stamps are used or can be had) in the presence of,—JOHN PALMER.

Attested,—DAVID COLLINS.

[Enclosure No. 4.]

CHARTER OF SHAH HORMUZEAR.

Charter of
the Shah
Hormuzear.

It is Covenanted, Concluded, and Agreed upon this Tenth Day of April, in the Year of Our Lord, One Thousand seven hundred and ninety-three, By and Between Mr. William Wright Bampton, on Behalf of himself, now Owner of the Good Ship or Vessel, called the Shah Hormuzear, of Bombay, whereof the said William Wright Bampton is now Master, now riding in Sydney Cove, in the Harbour of Port Jackson, New South Wales, of the One Part; and His Honor Francis Grose, Esqr., Lieut.-Governor of the Territory of New South Wales, for and on Behalf of His Majesty, of the other Part; in manner following; that is to say, the said William Wright Bampton doth promise, and engage to receive, or cause to be received on board the said Ship Shah Hormuzear, and the Ship Chesterfield, Southern Whaler, whereof Mr. Matthew Bowles Alt is now Master, and now riding in Sydney Cove aforesaid, such Stores, and Provisions, as His Majesty's Commissary of this Settlement shall be directed to put on board the said Ships, and to proceed therewith to Norfolk Island, there to deliver (Fire, and the Dangers of the Sea excepted) the said Stores and Provisions to the Lieutenant-Governor, or Officer Commanding at the said Island.

And in Consideration of the above Service so to be performed by the said William Wright Bampton the said Francis Grose, Esqr., doth, on Behalf of His Majesty, Covenant, promise, and engage, that the Sum of Two hundred and twenty Pounds Sterling, shall be paid by Bills drawn at Sixty Days Sight on the

Principal Officers, and Commissioners, of His Majesty's Navy, to the said William Wright Bampton, his Executors, Administrators, or Assigns.

1793.
19 April.

To the true Performance of this Engagement he the said William Wright Bampton, doth bind himself, his Heirs, Executors, and Administrators, and the said Ship, or Vessel, with her Tackle, Apparel, Freight, and Furniture, unto the said Francis Grose, Esqr., for, and on Behalf of His Majesty, in the Sum of One hundred and ten Pounds Sterling, to be recovered and paid by these Presents.

In Witness whereof he the said William Wright Bampton, hath set his Hand and Seal, to one Part hereof; and to the other part hereof, the said Francis Grose, Esqr., for and on behalf of His Majesty, hath set his Hand, and Seal, the Day and Year first above written.

WM. WRIGHT BAMPTON (L.S.).

FRAS. GROSE (L.S.).

Signed, Sealed and delivered (where no Stamps are used or can be had), in the Presence of,—DAVID COLLINS.

JOHN PALMER.

Exd.—DAVID COLLINS, Secy. to the Governor.

[Enclosure No. 5.]

CONTRACT FOR PROCURING CATTLE.

It is Covenanted, Concluded and Agreed upon this Tenth Day of April, in the Year of Our Lord One thousand seven hundred and ninety-three, and in the Thirty-third Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; By and Between His Honor Francis Grose, Esqr., Lieutenant-Governor in and over His Majesty's Territory of New South Wales and its Dependencies, for and on Behalf of His Majesty of the one Part, and William Wright Bampton, now Owner of the Ship Shah Hormuzear, riding in Sydney Cove, Port Jackson, for, and on Behalf of himself, of the other Part; in Manner following. That is to say, the said William Wright Bampton hath Contracted, agreed, and engaged, and by these Presents doth Contract, agree, and engage, to freight a Ship at some Port or Ports in India, with the following Articles for the Use of His Majesty's Colonies in New South Wales, upon the Terms and Conditions herein after mentioned, that is to say, the said William Wright Bampton, doth Contract, agree, and engage, to embark in one Ship, One hundred Head of large horned Cattle, fit for the purposes of Draught and Breeding; and one male and

Contract for
procuring
cattle.

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Contract for
procuring
cattle.

two female Asses; that One hundred and One fit and convenient Stalls shall be erected in the between Decks, at the Expence of the said William Wright Bampton for their Accommodation that there shall not be put on board of the said Ship, any Cow, or Cows, or any Catttle (the Asses excepted) whose Ages shall be less than two Years at the Time of Embarking, and that Provisions and Water sufficient for the Use of the said Cattle for three Months shall be embarked with them, that is to say, three Tons for each Head of Cattle embarked.

The said William Wright Bampton doth further Contract, agree, and engage, that no Part of the further Cargo of the said Ship, nor any Article of Trade whatsoever, nor anything belonging to the said Ship shall be Stowed on the same Deck with the Cattle, or be in anywise suffered to interfere with their Accommodation.

The said William Wright Bampton doth moreover Contract, agree and engage, to procure a Certificate from under the Hand of the Commanding Officer of His Majesty's Forces for the Time being, at such Port, or Ports in India, whereat the said Cattle shall be embarked, of his, the said William Wright Bampton, having put on board the said Ship One hundred Head of Draught Cattle to be conveyed to His Majesty's Settlement at Port Jackson and that they are Stowed and Stalled according to the Tenor of this Engagement.

And the said William Wright Bampton doth contract, agree, and engage, to furnish the said One hundred Head of Cattle at the Rate of Thirty-five Pounds of lawful Money of Great Britain for each Head of Cattle and Ten Pounds Ten Shillings for each Ass; Contracting likewise, and agreeing and engaging to be paid only for such of the said number as shall be landed and deemed merchantable in the said Colony at Port Jackson; and binding himself, his Heirs, Executors and Administrators to the said Francis Grose, Esqr., for and on Behalf of His Majesty, in the Penalty, or Sum of Five Hundred Pounds of lawful money of Great Britain, to be recovered and paid by these Presents, if he the said William Wright Bampton, doth not land Thirty Head of merchantable Cattle in the Colony aforesaid.

The said William Wright Bampton doth further Contract, agree and engage, to Ship for the Use of the said Colony One hundred Tons of Irish cured Beef, or Irish cured Pork, to be paid at the Rate of four pence halfpenny p. Pound for all that shall be landed in the said Colony in a merchantable State.

The said William Wright Bampton, doth further Contract, agree and engage, to ship One hundred and fifty Tons of the best provision Rice, and One hundred and fifty Tons of Dholl, which

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19 April.

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cattle.

shall be in Quality equal to a Muster, or Sample, now delivered in by the said William Wright Bampton, and to be paid for such as is merchantable when landed, at the Rate of Twenty-six Pounds Sterling, for every Ton of Rice, and at the Rate of Eighteen Pounds Sterling for every Ton of Dhoil so landed and received.

The said William Wright Bampton doth further Contract, agree and engage, should he not be able to procure the aforesaid Quantity of One hundred Tons of Salt Meat, to Ship in lieu thereof, Fifty Tons of the best provision Rice, to be paid for at the same Rate of Twenty-six Pound Sterling for every Ton of Rice so landed as above specified.

The said William Wright Bampton doth further Contract, agree and engage, that he will not embark a larger Cargo than the number of Tons stipulated.

The said William Wright Bampton doth also Contract, agree and engage, that the Ship, with the freight aforesaid, shall (Wind and Weather permitting and Fire and the Dangers of the Sea excepted) arrive at Sydney Cove, in Port Jackson, in the Territory of New South Wales, in Ten Calendar Months from the Day of the Departure of the Ship Shah Hormuzear (of which the said William Wright Bampton is Owner) from the Port of Norfolk Island.

He the said William Wright Bampton doth further Contract, agree and engage, that he will not ship, nor cause to be shipped on board the Vessel to be freighted by him for this Colony, any Spirits, or any Article of private Trade whatsoever for the Purpose of Sale; and that he will not Ship, or cause to be shipped on board the vessel aforesaid any other Stock than the Cattle purchased for the Use of the Colony, such excepted as must be absolutely necessary for the use of himself, the Officers, and People of the said Ship.

And the said Francis Grose, Esqr., doth contract, agree, and engage on Behalf of His Majesty that the said William Wright Bampton, shall receive at the Rate of Thirty-five Pounds of lawful Money of Great Britain for every Head of Cattle which the said William Wright Bampton shall deliver, or cause to be delivered, in a fair merchantable Condition in His Majesty's Settlement aforesaid; whether the number so landed shall exceed One hundred, or not, and that he shall receive at the Rate of Ten pounds Ten Shillings for each Ass which shall be landed.

The said Francis Grose, Esqr., for and on Behalf of His Majesty, doth further Contract, agree and engage that the said William Wright Bampton shall receive at the Rate of Twenty-six Pounds Sterling for every Ton of the best Provision Rice, and

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cattle.

Eighteen Pounds Sterling for every Ton of Dhoil which shall be landed, and received in the Colony, in a fair merchantable condition, and equal in quality to the musters now delivered by the said William Wright Bampton; provided the Articles do not exceed the Stipulated Quantity. Each, and every of these Articles to be paid for to the said William Wright Bampton, his Executors, Administrators or Assigns, by Bills, drawn at Sixty Days Sight upon the Right Honorable the Lords Commissioners of His Majesty's Treasury.

The said Francis Grose, Esqr., for and on Behalf of His Majesty, doth Contract, agree, and engage, to deliver, or Cause to be delivered, the Cargo aforesaid, within Twenty-eight Days from the Day of the Arrival of the Ship in Sydney Cove. But in Case it should happen that the said Cargo should be detained on board longer than the Number of Days above limited, the said William Wright Bampton shall be allowed at the Rate of her Daily Expence for every Day she shall be detained after that time at the Port of landing aforesaid.

And in Order that the Colony may not suffer by any accident which may prevent the receiving the Supplies above Contracted for, the said Francis Grose, Esqr., doth further Contract, agree and engage, for and on Behalf of His Majesty, that this Contract, shall be binding to all Parties, in freighting a second Ship, with the Cattle and Grain above Specified.

To the true Performance of all, and every the Contracts, Conditions, and agreements above mentioned on the Part and Behalf of the said William Wright Bampton, to be kept, done and performed, he the said William Wright Bampton, bindeth himself, his Heirs, Executors, and Administrators, unto the said Francis Grose Esqr., for and in Behalf of His Majesty, in the Penalty or Sum of One Thousand Pounds of lawful Money of Great Britain to be recovered and paid by these Presents, exclusive of the Penalty of Five hundred Pounds aforementioned.

In Witness whereof, he the said William Wright Bampton hath set his Hand and Seal, to the one Part hereof, and to the other Part hereof the said Francis Grose, Esq., for and on Behalf of His Majesty, hath set his hand and Seal, the Day and Year first above written.

WILLM. WRIGHT BAMPTON (L.S.).

FRAS. GROSE (L.S.).

Signed, sealed and delivered (where no stamps are used, or can be had), in the Presence of,—DAVID COLLINS.

JOHN PALMER.

Examined,—DAVID COLLINS, Secy. to the Governor.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.*

1793.
19 April.(Per ship Shah Hormuzear,† *viâ* India.)

Sir, Sydney, New South Wales, 19th April, 1793.

The two Spanish ships Descuierta and Atrevida, commanded by Don Alexandro Malaspina and Don Josè Bustamante, whose probable arrival had been formerly notified, anchored here on the 13th of last month. The Spanish expedition.

His Majesty's instructions respecting their reception I have executed to the utmost in my power, paying them every compliment and attention due to their rank and situation; and I have the pleasure to report that on their leaving us, as well as on many occasions before their departure, they did not omit to give every testimony on their part of the satisfaction and gratitude they felt at the hospitality they had been treated with. While they were here they lived amongst us; and in return they twice invited the officers of the settlement to a public dinner on board the ships, on which occasion they received me with the distinction that is paid by them to their lieutenant-generals.

The commodore presented me with two views of this place and one of the settlement at Parramatta, together with such observations as had been made of this harbour and country by the officers of the expedition who were charged with that department. These, together with a packet for the Spanish Ambassador at the Court of London, will be forwarded by the Kitty.

Such articles as were wanting to refit their ships I directed the Commissary to furnish, and as they were of inconsiderable value, I thought it would meet the wishes of his Majesty's Ministers to supply them without a charge.

They sailed from hence on the 12th instant, but as they seemed to evade any questions that were put to them respecting their future intentions, I can form no probable conjecture where they are gone. They expect to be in Europe in about fourteen months from this time.

I am, &c.,

FRANS. GROSE.

 LIEUT.-GOVERNOR GROSE TO THE NAVY BOARD.

19th April, 1793.

21st April, 1793.

[Copies of these letters have not yet been found.]

1793.
21 April.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per ship Shah Hormuzear,* *viâ* India.)

Sir, Sydney, New South Wales, 21st April, 1793.

Arrival of the
Dædalus.

I have the satisfaction to inform you that the Dædalus on the morning of yesterday made her appearance on the coast, and I have prevailed on the captain of the Shah Hormuzear, who was at that time about to take his departure, to stay a day longer, that I might be enabled by the conveyance of his ship to communicate her arrival.

I at first began to fear I had been precipitate in the contract I had made for the cattle, but the event proves otherwise, and you will perceive by Captain Vancouver's dispatches to Governor Phillip that the Dædalus is sent here more for the purpose of asking than giving assistance.

Captain
Vancouver's
expedition.

The particulars relative to the Discovery and Chatham having been already communicated, it is unnecessary for me to trouble you with any recital on that subject, or the melancholy end of Lieutenant Hergherst and Mr. Gootch, the astronomer.†

Captain Vancouver has sent here two natives of New Zealand, for the purpose of teaching us their manner of manufacturing the flax-plant; and he has attempted, but without success, to supply us with twelve cows, six bulls, some calves, eighteen sheep, and a number of hogs. Unluckily, no part of the stock, excepting hogs, one calf, and four sheep, has survived the passage.

I shall take care that the Dædalus returns at the time Captain Vancouver has pointed out; and I am happy to add the service he is engaged in is not likely to be interrupted for the want of supplies, being enabled from the state of my stores to furnish him with almost everything he writes for.

I shall convey to you by the Kitty the charts and drawings of Oyster Bay, King George the Third's Sound, &c., which I have received from Captain Vancouver, and the which should now be sent but that I consider it absolutely requisite for my own information and future guidance to get them copied, and this cannot be done in time for the Shah Hormuzear. I am, &c.,

FRANS. GROSE.

[Enclosure No. 1.]

CAPTAIN VANCOUVER TO GOVERNOR PHILLIP.

Sir, Discovery, at sea, 15th Oct'r, 1792.

Agreeable to the order and directions transmitted to me from my Lords Commissioners of the Admiralty, I herewith dispatch the Dædalus, hired transport, under the command of

Lieutenant James Hanson, by whom your Excellency will receive this, and who is directed to put himself under your command, and to follow your orders for his farther proceedings.

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21 April.

Captain
Vancouver's
expedition.

You will also herewith receive a list of the remaining part of the said transport's cargo, which his Majesty's ship *Discovery* and armed tender the *Chatham*, under my command, have not in the present instance been able to take on board; as likewise a list of such part of the said cargo as under the present circumstances I do not deem essential to me in putting into execution his Majesty's commands entrusted to my care. The remaining part is, however, absolutely necessary for that purpose, and, agreeable to their Lordships' directions, I am to request your Excellency will cause the same to be forwarded to my address, and to arrive at the port of Nootka about the month of August following, where, on my return from pursuing my examination of the coast of N.W. America, I shall call in order to take the said stores and provisions on board. We are now on our passage to some of the Spanish ports on the south part of the coast of New Albion, where I intend putting on board the *Dædalus*, for the use of his Majesty's colony under your Excellency's government, so many breeding cattle and sheep as she can conveniently take, which breed, inur'd to countries but slightly cultivated, have at Nootka succeeded to a very high degree with scarce the smallest care and attention. I therefore trust they will be found useful in New South Wales. Lieutenant Hanson, as you will observe by his orders, has likewise directions to pay attention to lose no opportunity of procuring such live stock and refreshments as may be useful at Port Jackson, from the different places he may fall in with during his passage across the Pacific Ocean.

And as there is a probability on my arrival with the store-ship at some of the Spanish ports aforesaid I may find it convenient to take on board some further supply of provisions, I beg leave to inform your Excellency that in that case it will be necessary for the deficiency so occasioned to be made up, as likewise any that may be caused by leakage, decay, or other unforeseen accidents, that quantity being absolutely necessary to enable me to perform that part of my orders which still remain unexecuted.

Lieutenant Hanson will, I trust, be able to satisfy your Excellency's curiosity respecting the general proceedings of our voyage, so far as it is at present extended; under which circumstances I shall not intrude on your leisure further than observing that we fell in with the coast of New Albion on the 17th of April, and

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21 April.

Captain
Vancouver's
expedition.

passed Cape Mendocino in lat. $40^{\circ} 28\frac{1}{2}'$ N. and $235^{\circ} 50'$ E. longitude; from whence we traced the shores at the distance of one, two, or three leagues, circumstances so concerning, without finding any port or opening in the land until we reached, on the 29th of April, the south entrance of De Fuca's Straits, situate in $48^{\circ} 23'$ N. lat. and $235^{\circ} 38'$ E. long., which inlet we pursued up several arms of the sea, determining the extent of each, and keeping the continental shore always in boats, as far east as the long. $238^{\circ} 0' 2''$, in the lat. of $48^{\circ} 0' 0''$ N., from which station we coasted the continent in an irregular N.-westerly direction to the lat. of $51^{\circ} 45'$ N. and $232^{\circ} 0' 4''$ E. long., whence it again winds to the eastward to the long. of $235^{\circ} 0' 5''$, in the lat. of $52^{\circ} 15'$ N., which station ended our present northern campaign, on the 18th of August, and where we shall recommence an examination in the ensuing spring. The direction of the continent here pointed out leaves the land in which Nootka is situated, an island, or rather a cluster of islands, of considerable extent, caused by the junction of Queen Charlotte's Sound and De Fuca's entrance, not very badly delineated in Arrowsmith's charts, leaving a very disagreeable and intricate navigation between them and the continent.

On my passage into this ocean I visited a small part of the S.W. coast of New Holland, and there discovered one very excellent port, which I have honored with the name of King George the Third's Sound. As I think from its situation, the fertility of the country, with Oyster Bay Harbour, seas, &c., it may be worthy some further attention, I have sent you my survey thereof with the adjacent coast, and some views of the surrounding country, which, though not executed with any degree of neatness, the positions of the different harbours, &c., as also the different head-lands, &c., as also their appearance [are given], without, I believe, any material error. We likewise, made two other discoveries, which, belonging to your neighbourhood, I shall beg leave to communicate, the first being a very dangerous cluster of barren rocks, being seven in number, extending in a direction about N. $70'$ E. and S. $70'$ W. true, occupying the space of about 3 leagues, which, from their situation, I have called the Snares; the largest, which is the N.-easternmost, and about a league in circumference, is in the lat. $48^{\circ} 03'$ S. and $166^{\circ} 20'$ E. longitude, bearing from S. Cape of New Zealand S. $40'$ W. true, 19 leagues distant, and from the southernmost part of the Traps S. $62\frac{1}{2}'$ W. true, 20 leagues distant; the largest, which is the highest, may be seen in clear weather about 8 or 9 leagues, the other is an island discovered by the Chatham, after being separated from

us the morning we discovered the Snares, by a very violent storm, and which, in honor of His Lordship who presides at the Admiralty Board, obtained the name of Chatham Island; along the N. side of which he sailed about 12 leagues; it is situated in lat. $43^{\circ} 48'$ S. and $183^{\circ} 02'$ E. long., its inhabitants much resembling the indians of New Zealand, who were found on the N. side, which was the only part they saw, and where they anchored and took possession; they, however, discovered no port.

Knowing of no other information that can be worthy your present attention, I beg leave to assure you I have the honor to be with best wishes for your welfare, and that of his Majesty's colony under your Excellency's government.

Yours, &c.,

GEO. VANCOUVER.

[Enclosure No. 2.]

CAPTAIN VANCOUVER TO GOVERNOR PHILLIP.

Sir, Discovery, Monterrey, 29th Dec'r, 1792.

Since writing my letter, dated 15th Oct'r, which accompanies this, we have experienced a very tempestuous and boisterous passage to this place, which we reached about a month ago; and, agreeable to my intentions as stated in that letter, I have taken on board the Discovery and Chatham a very considerable quantity of the stores and provisions which remained in the *Dædalus* on our departure from Nootka; the whole of which I had requested should be returned to me; that, however, in consequence of having made a material alteration in my engagement since that period, is by no means sufficient for the purpose of executing the remaining part of his Majesty's service entrusted to my care. I have, therefore, in addition to the above-mentioned remaining stores and provisions, sent your Excellency a list of such as will be necessary to complete our stock for the time I conceive we must yet be employed in prosecuting that part of my order which still remains unexecuted.

The lateness of my despatching the *Dædalus*, occasioned by adverse winds, &c., will, I fear, prevent the returning those stores and provisions, as I have before requested, by the month of August following; it may, however, so happen that I may not quit Nootka before September or probably late in that month; it will, therefore, be proper that the vessel so charged should be despatched so soon as possible for the purpose of meeting me at that place; but should I sail from Nootka before that should happen, I shall leave sufficient instructions for the guidance of the officer commanding such vessel, and in case there is a proba-

1793.
21 April.

Captain
Vancouver's
expedition.

1793.
21 April.
Captain
Vancouver's
expedition.

bility of his arriving very late on the coast, it would be necessary he should call at the Sandwich Islands, where, though we should not meet, there is yet a great probability of gaining some information respecting us. The other object of the *Dædalus* accompanying me to this port, I have likewise been able to accomplish to my satisfaction by putting on board 12 cows and 6 bulls, with an equal number of male and female sheep; these are at present in good condition, in which state, I trust, they will arrive safe, and prove highly serviceable to his Majesty's colony under your Excellency's government.

The *Dædalus*, from accident and desertion, being short of complement, Sr. Quadra has made a promise of using his efforts to prevail on some of the people under his command to undertake this voyage in the *Dædalus*, on my promise that they should be returned to Nootka by that vessel or such other as may be charged with the before-mentioned stores and provisions for the use of his Majestys' vessels under my command, to which conditions I have acceded and taken the liberty of asserting that your Excellency would cause the same to be put into execution, and by complying with this further request, should such a circumstance take place, you will highly oblige him who has the honor, with the most sincere wishes for the welfare of yourself and his Majesty's colony under your Excellency's government,

Yours, &c.,

GEO. VANCOUVER.

P.S.—I have been under the necessity, much against my wishes and inclinations, of discharging Mr. Willm. House, late boatswain of the *Discovery*, who, whilst in that situation, so far as his abilities enabled him to act, conducted himself as a sober, diligent officer, having been afflicted with a violent rheumatic complaint which rendered him incapable of performing that service for many months past. I therefore beg leave to recommend him to your Excellency's notice, together with the three valuable seamen and one marine whom I have been under the very disagreeable necessity of parting with for similar reasons, who equally deserve every clemency and attention the nature of his Majesty's service will admit of. These people I have thus discharged, because we have not the power of affording them relief, and the service we have yet to perform being of a long and arduous nature. I am in hopes of its being shortly in your Excellency's power of providing them a passage to England, in which case I trust they will find relief from the severe maladies under which they at present labor.

GEO. VANCOUVER.

LIEUT.-GOVERNOR GROSE TO THE NAVY BOARD.

1793.
30 May.

30th May, 1793.

[*A copy of this despatch has not yet been found.*]

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per transport Kitty; acknowledged by the Right Hon. Henry Dundas to Governor Hunter, 1st July, 1794.)

Sydney, New South Wales,

Sir,

30th May, 1793.

I have so fully written in my dispatches by the Shah Hormuzear, the duplicates of which you now receive by the Kitty, that I have scarcely any information relative to the colony you are not already acquainted with. Despatches.

The Dædalus returns to Captain Vancouver the beginning of June, and I shall have the satisfaction to send him from this place almost every article he has asked for. The Dædalus

The superintendants and others in the employ of Government not being able to receive their salaries in this country has long been a subject of representation and complaint. I have therefore instructed the Commissary to appropriate to this purpose the money he has received on the sale of the spirits purchased from the American ship Hope, and the which, immediately after the arrival of the Bellona, I desired might as expeditiously as possible be disposed of amongst the military and civil officers. His accounts on this business are now transmitted to the Treasury, and I am happy to perceive that no loss will be suffered on the part of Government. Colonial finance.

The necessary vouchers from the Naval Agent, and receipts from the master of the Dædalus, for the arrack brought out by the Shah Hormuzear for the use of Captain Vancouver, are also forwarded by the Commissary to the Victualling Office.

I have experienced a good deal of uneasiness least I should have been considered as too premature in the purchases I had made of provisions, or the engagement I had entered into for the conveyance of cattle; and, although events appear to justify my proceedings, I still shall continue in the most unpleasant suspense until such time as I am honoured with your reply. On perusing the return of my provisions, you will observe that but for our accidental supplies the colony would at this time experience the severity of a very reduced allowance. Our corn, which once flattered us with the most luxuriant appearance, has, for Provisions and cattle.
Agriculture.

1793.
30 May.

want of timely rain, been parched and withered to almost nothing, and instead of the twenty bushels an acre which were expected, we must content ourselves with six.

Accidents of this sort may not often be expected; and I should be sorry to convey an unfavourable opinion of the colony in the report I am making. I feel the necessity of being as unequivocal as possible, and shall not from my own partiality to the country disguise its produce in the smallest degree. I am very sorry to communicate such unwelcome intelligence; but I believe it is generally considered by persons better versed in agriculture than myself that it is to chance only we may attribute our misfortune; and of this you will be more readily convinced on seeing the Surveyor-General's return of the ground the officers have put in cultivation at their own expence.

Requisitions.

We suffer the greatest inconvenience from the want of hand-mills and iron pots. If five hundred mills and a thousand pots were sent in the first ship, they will do away more distress than can be conceived.

Tools are so much wanted that until the small supply we got in the *Dædalus* we had not an axe, and at this time we have not a cross-cutting saw in the stores.

Walter Brodie

In the return of settlers enclosed in your letter of the 14th of last July, it is not signified in what manner Walter Brodie, formerly the master-smith, was to be disposed of. He says he was promised a similar situation to the one he left. This I have taken for granted, and until I receive some further directions have placed him on the superintendants' list, as you will perceive by the inclosed return of superintendants and storekeepers.

I have transmitted the drawing and chart of King George the Third's Sound*, sent to Governor Phillip by Captain Vancouver. Two drawings of Sydney, with one of Parramatta, and some lunar observations taken here by direction of the Spanish commodore, as well as the commodore's dispatches for the Spanish Ambassador at the Court of London, are also sent by Lieutenant Woodriff, the Naval Agent, who will have the honour to deliver you my dispatches.

Surgeon
Considen.

Mr. Considen, whose health does not admit of his remaining any longer in the colony, has taken his passage in the *Kitty*, according to the permission he received by the *Bellona*; and as he has been constantly employed, either in this place or Norfolk Island, since the establishment of these settlements, I beg to refer you to this gentleman for any information you may require respecting our situation.

I have, &c.,
FRANS. GROSE.

[Enclosure No. 1.]

1793.
30 May.

LAND IN CULTIVATION.

RETURN of the quantity of land put in cultivation by the Officers of the Civil and Military Establishments, adjoining to the towns of Sydney and Parramatta:—

Total number of acres in cultivation, 452.

AUGUSTUS ALT,

Sydney, 30th May, 1793.

Land Surveyor Gen'l.

[Enclosure No. 2.]

RETURN of Superintendents of Convicts, Storekeepers, and others necessarily employed in his Majesty's Settlements in New South Wales and the Dependencies. Sydney, New South Wales, 1st June, 1793. Return of superintendents

Names.	Where and how employed.
AT SYDNEY.	
Philip Divine	Superintendant of convicts.
Thomas Smith	Charged with superintending the receipts and delivery of provisions, stores, and cloathing, from the 17th of August, 1792.
James Bloodworth.....	Employed as a master-bricklayer, from the 1st of September, 1791.
Walter Broady [Brodie]	Master-blacksmith; sent from England in the Bellona; employed from the 17th of January, 1793.
William House	Late boatswain of his Majesty's armed tender Chatham; retained to navigate the sloop, commencing the 1st June, 1793.
AT PARRAMATTA.	
Thos. Clarke	Superintendant of convicts.
John Livingstone	Employed as a master-carpenter, from the 1st of April, 1791.
William Broughton	Storekeeper, from the 20th of February, 1789.
AT TOONGABBE.	
Thos. Daveney	Charged with the direction of the convicts employed in cultivation, from the 1st of April, 1791.
Andrew Hume	Superintendant of convicts; attends the delivery of provisions.
AT NORFOLK ISLAND.	
Will'm Neate Chapman	Storekeeper at Phillipburgh, from the 10th of Decem'r, 1791.
Darcey Wentworth	Superintendant of convicts, <i>vice</i> Doidge, from the 10th of Dec'r, 1791.
LATE SUPERINTENDANTS.	
Henry Ed. Dodd	Died the 28th of January, 1791.
Philip Schaffer	Settler, near Parramatta, since the 30th March, 1791.
David Burton	Died at Parramatta, the 13th of April, 1792.
Will. Thos. Doidge	Gave up his engagement the 10th of Decem'r, 1791; was employed at Norfolk Island.
John Davis	Discharged the 30th of November, 1792.
Mr. Stephen Donovan ...	Discharged the 22nd of December, 1792.

STATE of the Settlements at Sydney, Parramatta, and Norfolk Island—*continued*.

Time and Settlements.	People not victualled from the Public Stores.										Free People.		Settlers from.		Emanci- pated.		Convicts.		Children.				Numbers on the different rations.				Numbers victualled from the Public Stores.		Whole number at full ration.		Number in the Settlements.		Weeks' Provision in Store at the established ration.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
	Men.			Women.			Children above 10 years of age.			Children above 2 years of age.			Children under 2 years of age.			Men.		Women.		Above 10 years of age.		Above 2 years of age.		Under 2 years of age.		Natives victualled from the Public Stores.				Whole.		Two-thirds.		Half.		Quarter.		Numbers victualled from the Public Stores.		Whole number at full ration.		Number in the Settlements.		Weeks' Provision in Store at the established ration.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
	Men.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Men.	Women.	Free People.	Convicts.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.

JNO. PALMER, Commissary.

1793.
30 May.

1793.
30 May.

[Enclosure.]

Return of Lands granted in New South Wales from 31st December, 1792, to 1st April, 1793.

Names of Settlers.	Description.	No. of Acres granted.	Place where.	Time of Entering on the Ground.
William Cummings ... Thomas Rose	Ensign in the New S. Wales Corps ... Free people from England as settlers	25 120	On the south side of the creek leading to Parramatta ... At Liberty Plains; distant two miles from the flats lying at the upper part of the harbour of Port Jackson.	31 December, 1792 7 February, 1793.
Fredk. Meredith .. Thos. Webb	do do do do	60 80	do do	7 "
Edwd. Powell	do do	80	do do	7 "
Jos. Webb	do do	60	do do	7 "
Walter Rouse	Convict whose sentence is expired.....	30	do do	7 "
John Macarthur	Lieut. in the New S. Wales Corps ...	100	On the south side of the creek leading to Parramatta, and on the west side of Tipperary farm.	12 "
Thos. Laycock	Quarter-master in do	80	On the south side of the harbour at Parsley Bay	12 "
Edwd. Laing	Surgeon in do	20	On the south side of the harbour at Camp Cove	12 "
John Palmer	Commissary	100	On the south side of the harbour at Garden Island Cove	12 "
Geo. Johnston	Captain in the New S. Wales Corps ...	100	To the westward of the ground reserved for Government between the Church and School Lands adjacent to the town of Sydney.	12 "
John White	Principal Surgeon	100	do do	12 "
Thos. Rowley	Lieut. in the New S. Wales Corps ...	100	do do	12 "
Rev. Richd. Johnson...	Chaplain to the territory	100	do do	1 March
Saml. Barsbey	Convict whose sentence is expired ...	30	At the northern boundary farms	1 "
John Seymour	do do	50	At the Field of Mars	1 April,
Wm. Eggleston	do do	60	Adjoining to the settlers at the foot of Prospect Hill ...	1 "
John Redmond	Settler, from the marines	60	At Toongabbee	1 "
Richd. Atkins, Esq. ...	Surgeon in the New S. Wales Corps...	100	In the township of Parramatta	1 "
John Harris	Convict whose sentence is expired ...	100	do	1 "
Peter Ellam		20	In addition to 30 acres adjoining to the settlers at the foot of Prospect Hill, granted him by Governor Phillip, it not being then known that he was married.	.....

Sydney, New South Wales, 31st May, 1793.

Fras. GROSE.

LIEUTENANT-GOVERNOR GROSE TO UNDER SECRETARY NEPEAN.

(Per transport Kitty; acknowledged by Rt. Hon. Henry Dundas to Governor Hunter, 1st July, 1794.)

1793.
31 May.Sydney, New South Wales,
31st May, 1793.

Sir,

Having directed the Commissary, for reasons stated in my letter to Mr. Secretary Dundas, to appropriate part of the money arising on the sale of spirits purchased from the American ship Hope to the payment of the salaries due to the superintendants, storekeepers, and others employed in this territory, I have to request you will be pleased to furnish me with an account of what sums have been paid to those persons of that description who have received their appointments at Home, to prevent any mistakes occurring in the Commissary's payment of their salaries. And as it will tend very much to the benefit of those people to receive their salaries in this country, it will be necessary that a sum sufficient to defray that expence is remitted from time to time.

Colonial
finance.

I have found it necessary to retain in the colony Mr. William House, late boatswain of the Chatham, armed tender, who was sent here by Captain Vancouver for the purpose of returning to England as an invalid. He will be employed here in navigating the sloop which was sent out in the Pitt, and I have placed him on the list of superintendants with a promise of his being paid the like sum as is paid by Government to those persons.

Boatswain
House.

I am, &c.,

FRANS. GROSE.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per transport Kitty; acknowledged by Rt. Hon. Henry Dundas to Governor Hunter, 1st July, 1794.)

Sir, Sydney, New South Wales, 31 May, 1793.

I have the honour to transmit the copy of a letter I have received from Mr. Palmer, the commissary, who requests me to solicit permission for his returning to England that he may be enabled to settle his accounts which, by the loss of the Sirius, have been deranged, and the which, he represents, cannot easily be done should the leave of absence he asks for be refused him.

Commissary
Palmer's
request for
leave of
absence.

I should be very sorry to make any objections on my part to an indulgence on which Mr. Palmer's private affairs seem so much depending, and it would be injustice not to state you that the deputy is a person very capable of doing the business of commissary in his absence. Should Mr. Palmer be gratified in this request, Mr. Freeman, the deputy, has consented to do his

1793.
31 May.

duty. How far their accommodation to each other will be satisfactory to the Treasury I can form no opinion, nor shall I trouble you any otherwise on the subject than by stating the circumstances exactly as they have been represented to myself.

FRANS. GROSE.

[Enclosure.]

COMMISSARY PALMER TO LIEUT.-GOVERNOR GROSE.

Sir, Sydney, May 28th, 1793.

I take the opportunity of the Kitty's Sailing direct for England, to represent to You, that from the unfortunate loss of His Majesty's Ship Sirius of which I was Purser, and from my having been upwards of Six Years out of England, my private Affairs have been so deranged, that I am informed they cannot possibly be adjusted while I remain abroad. I am therefore to request you will be pleased to move His Majesty's Secretary of State to grant me leave of absence from the Settlement for Eighteen Months.

I have, &c.,

JOHN PALMER, Commissary.

THE COMMISSIONERS OF THE NAVY TO LIEUT. GOVERNOR GROSE.

(Per store-ship William.)

Sir, Navy Office, 15th June, 1793.

Herewith we send you a Copy of a Charter Party for the Ship William, Willm. Folger, Master, hired of Messrs. St. Barbe Green and Bignell to carry Two thousand and eighty Barrels of Beef and Pork from Cork to Port Jackson New South Wales and desire you will please to give the usual directions for their being unloaded.

We are, &c.,

S. LE CRAS.

T. HUNSLOW.

GEO. MARSH.

[Enclosure.]

[*A copy of the charter has not yet been found.*]

THE RIGHT HON. HENRY DUNDAS TO LIEUTENANT-GOVERNOR GROSE.

(Per store-ship William; acknowledged by Lieut.-Governor Grose, 29th April, 1794.)

31 June.

Sir, Whitehall, 31st* June, 1793.

I find that the Bellona, transport, had not reached New South Wales when Gov'r Phillip came from thence; but from the time of her sailing from England I conceive that she must have arrived soon after his departure. You will receive by that ship

my letter to Gov'r Phillip, dated the 14th of last July, and in Mr. King's to him of the 31st December last, by the Sugar-cane,* 1793.
31 June
Despatches.

transport, copies of my letters to the Governor-General of Bengal on the subject of supplying the settlement with some live stock from that country.

There will be sent by the present ship, called the William, about two hundred and sixty tons of beef and pork for the use of the settlement, an invoice of which I have directed to be transmitted to you from Cork, where she is take the provisions on board. Supplies per store-ship William.

There will likewise be sent the several articles specified in the inclosed paper No. 1.

The Revd. Mr. Marsden, assistant chaplain for the settlement, will also take his passage in this ship, and from the character which has been given to me of him, he is in every respect qualified for that station. But, independent of his personal merit, I am confident that it is unnecessary for me to call your attention to such things as may concern his comfort and well-being after his arrival in the colony, as whatever tends to increase the respect for the clerical station and character is highly important and necessary on all occasions, and should be particularly attended to in such a settlement as that of New South Wales. Rev. Samuel Marsden.

In consequence of Gov'r Phillip's last dispatches, and of the personal communication I have had with him, respecting the present state of the colony, I take this opportunity of giving you directions upon such points as require more immediately to be attended to.

In the first place, in all grants of land made to such convicts as become settlers, either on emancipation or upon the expiration of the term for which they have been transported, the following clause should be inserted:— Additional instructions re land grants and leases.

“And it is hereby provided that the said (grantee) shall reside upon and cultivate the lands hereby granted for and during the term of five years from the date hereof, provided the said (grantee) shall so long live; and any sale or conveyance of the said lands before the expiration of the said term of five years shall be void, and the said lands shall in such case revert to his Majesty, his heirs, and successors, except it shall be certified under the hand and seal of the Governor, or, in his absence, the Lieutenant-Governor, of his Majesty's colony of New South Wales for the time-being, that the same was made with his consent.”†

This restriction is as reasonable as it is necessary; for otherwise the Crown might in some cases be at the whole expense of putting the lands granted into a state of cultivation, without the settlement in return reaping the benefit of having thereby secured a real and *bonâ-fide* settler.

1793.
31 June.

For the like reasons, all leases made to emancipated convicts, or to those whose terms of transportation are expired, should not be assignable, except with the consent, in writing, of the Governor or Lieut.-Governor for the time-being.

Assigned
servants, and
land grants to
military.

All the civil and military officers may as such be allowed two convicts each, to be maintained out of the public stores for two years longer, but after that period they should themselves maintain such as they are desirous of keeping. But where grants of lands are made to such officers as at the same time continue to receive their pay, it is but reasonable that they should maintain such convicts as are granted for the cultivation of their land, exclusive of the two allowed to them as officers for two years, in the manner I have mentioned. All lands which are attached to barracks, wheresoever situated, are intended for the use of the detachments which are stationed there for the time-being, and should be cultivated and cropped by them, and such as succeed to their stations, without any allowance to be made of convicts for that purpose.

This regulation, as well as the one preceding, should extend to Norfolk Island.

The trade in
spirits.

Great attention seems necessary to prevent spirits from being secretly sold and conveyed to the convicts from such vessels as may from time to time arrive at that settlement. With a view of preventing as much as possible this evil, you will strictly enforce such orders and directions as appear most likely to prevent the secret and clandestine sale of spirits, by subjecting such sale to the view and inspection of proper persons directed by you to attend the same.

In order to keep within the estimate for New South Wales voted by Parliament, you will be careful that the enclosed list of superintendants, &c., No. 2, should not exceed their present number.

Surgeon
Arndell.

The request of Mr. Arndell, the assistant-surgeon, to be permitted to retire with some allowance and to become a settler, is complied with, and he will in consequence be allowed £50 per annum from the time his pay as assistant-surgeon ceases.

Judge-Advocate
Collins.

The Judge-Advocate, Mr. Collins,* has his Majesty's permission to return to England, and you will direct Mr. Atkins to perform the duties of that office until further directions are received from hence.

As the conditions proposed to be granted to settlers, enclosed in my letter of the 14th of last July, were framed upon the representation I had then received of the state of the colony, I am of opinion that the improvement which has since taken place

therein renders it unnecessary to grant provisions to any future settlers or to the convicts which may be allowed to them for more than eighteen months at the most.

1793.
31 June.

The procuring live stock for the settlement is of all other considerations that which leads most directly to put it in a situation to maintain itself. Live stock to be procured.

It will, therefore, be highly expedient that the *Dædalus* should be employed for that purpose as soon after her arrival at New South Wales, as she is properly prepared for the service.

It has been represented to me that live stock may be procured from the Dutch Islands of Timor and Madura, or from Batavia, with great facility and very cheap, and that the passage to those islands by Bouganville's Streights and round by New Guinea may be made with little or no risk, upon choosing the proper seasons in which to undertake it. With this view, I have inclosed the paper No. 3 upon this subject; and if upon communicating with the officer commanding the *Dædalus* he should be of opinion that the plan is practicable, the experiment should be made, and in that case pressed hay and other provisions for the live stock should be put on board the *Dædalus* at New South Wales, together with the arms now in the settlement intended for traffic and barter; but as they probably will be insufficient for procuring the whole of the cargo, the officer is hereby authorised and directed to draw bills, if necessary, for any part of the expense of such live stock upon the Lords Commissioners of his Majesty's Treasury, transmitting the proper receipts and vouchers for the sums expended to the Lords of the Treasury and this office.

I take this opportunity of adding that Governor Phillip's recommendation that some increase should be made to the pay of the superintendants will be taken into consideration.

Mr. White, the chief surgeon, has applied for leave to return home,* but I do not think proper to grant the same without first submitting to your own opinion and judgment upon the spot whether his absence would be attended with any detriment to the public service. Surgeon White.

If you are convinced that it would not, you are at liberty to comply with this request.

I am, &c.,
HENRY DUNDAS.

[Enclosure No. 1.]

Harpur-street, 17th June, 1793.

SHIPPED per the *William*, Captain Folger, for New South Wales.

4 cases, containing a corn-screen, sheets of wire, brushes, cloths, iron sieves, spindles, damsels, crosses, bolting reels, complex rings, rappers, fillets, thimbles, needles, tin, sheepskins, nutts, screws, &c.; 2 casks, containing hammers and helves, files, &c.

1793.
31 June.

2 pair millstones	6 vices
40 bundles rod iron	6 anvils
37 „ sheet iron	4 pr. bellows
5 „ steel	12 hammer-helves (sledge)
90 bars flat iron	

Loose.

ALEXANDER DAVISON.

[Enclosure No. 2.]

RETURN of Superintendants of Convicts, Storekeepers, and others necessarily employed in his Majesty's Settlements in New South Wales.

Names.	Where and how employed.
	AT SYDNEY.
Philip Divine	Superintendent of convicts.
Thomas Smyth	Charged with superintending the receipt and delivery of provisions, stores, and clothing, from the 17th August, 1792. Was a serjeant of marines, and discharged from that corps.
John Jamieson	Superintendent of convicts at Norfolk Island.
James Bloodworth	Employed as a master-bricklayer.
	AT PARRAMATTA.
Thomas Clarke	Superintendent of convicts.
John Levingstone	Employed as a master-carpenter, from 1st April, 1791.
William Broughton	Storekeeper at Parramatta, from 20th February, 1789.
	AT TOONGABBE.
Thomas Daveney	Charged with direction of the convicts employed in cultivation, from 1st April, 1791.
Andrew Hume	Superintendent of convicts.
	AT NORFOLK ISLAND.
Will'm Neate Chapman	Storekeeper at Phillipsburg (Norfolk Island), from 10th Dec'r, 1791.
Darcey Wentworth	Superintendent of convicts, <i>vice</i> Doidge, from 10th Dec'r, 1791.

[Enclosure No. 3.]

EXTRACT of a Letter from Lieut. Richard Bowen to John King, Esq., dated Craven-street, 20th June, 1793.

I conceive then that the ship should sail from New South Wales so as to arrive at Timor, Madura, or wherever destined (if to the south of the Equator), about the beginning of October, so as to have time to get everything on board and ready to sail with the first setting in of the westerly monsoon, which generally happens in the neighbourhood of Java between the middle of November and middle of December—some years a little later or sooner than others. I should deem myself unfortunate in being more than two months in a coppered ship making the passage, so that the limits of sailing from N. S. Wales appears to be between the 1st May and 1st of August. I must observe, once for all, that nothing can be done in those seas without understanding and attending to the monsoons.

Live stock
from Dutch
settlements.

With respect to fitting the ship for the reception of cattle, I have to observe that (excepting the article of water-casks) it should all be done in New South Wales without any expence. If a ship kept in the fine-weather country that I speak of, all that is necessary to be done is to have a ship of sufficient height betwixt decks, say five feet six inches in the clear, if the cattle are supposed of a moderate size; to provide trucks for the hay; batten the decks to keep them from slipping; and to fix two small posts up and down between the head and shoulders of the cow. The sheep, goat-pens, &c., should be on the upper deck, and the hold to be kept for as much provender and water as it can possibly stow.

1793.
31 June.
Live stock
from Dutch
settlements.

This is a mere outline, but I conceive many things are to be considered in order to give the plan a tolerable chance of succeeding. The Governor could tell you most feelingly how much the colony has already suffered by unfit people being employed in conducting its supplies, and unless a proper person is selected, and the plan maturely digested, much money will be thrown away to very little purpose. Another great point, in my humble opinion, would be to previously secure to the ship or ships a good reception from the Dutch Governors or Residents. On the present footing of this country with Holland, I conceive that might easily be done, provided all jealousy could be removed on the score of meddling with their spices, and on this account, perhaps, neither mercantile or India people ought to be employed.

The cattle at Madura, I understand, are remarkably cheap, but the Dutch will take advantage of circumstances, and this point endeavour to settle beforehand. Madura is, I think, a part of the Sourabaia, one of the Dutch great governments in India. Sourabaia, I believe, is a large city on the mainland of Java, not far from Madura.

At all events I think it would be well to send out directions to New South Wales by the first opportunity to get a good quantity of hay made, and if a shed could be built, and a press erected under it, so much the better.

SIR GEORGE YONGE TO MAJOR GROSE.

(Per store-ship William.)

Sir,

W.O., 15th July, 1793.

15 July.

H.M. having been pleased to direct that the New South Wales Corps of Foot, under your com'd, should be augmented by the addition of one comp'y of the like numbers as the other

Additional
company for
N.S.W. Corps.

1793.
15 July.

comp'ys of the said corps, I have the honor to acq't you therewith, and that the said augmentation will be placed on the establishment from the 25th of June, 1793, inclusive.

In consequence of Gov'r Phillip's recommendation, Capt.-Lt. Geo. Johnston, from the marines, is appointed to the com'd of the comp'y, and Mr. Thos. Davies is appointed ensign.

The Governor first proposed Quarter-master Laycock for the ensigney, but Lord Amherst did not approve of that off'r holding another commission.

I have, &c.,
GEO.-YONGE.

Subsistence per Diem.

						£	s.	d.
1 Captain	...	...	...	...	...	0	7	6
1 Lieutenant	...	...	...	...	...	0	3	6
1 Ensign	...	...	...	...	...	0	3	0
3 Sergeants, each 1s.	...	...	...	...	...	0	3	0
3 Corporals „ 8d.	...	...	...	...	...	0	2	0
2 Drummers „ 8d.	...	...	...	...	...	0	1	4
67 Privates „ 6d.	...	...	...	...	...	1	13	6
Allowances to the Comdt.	...	...	...	...	...	0	0	6
Allowances to the Agent	...	...	...	...	...	0	0	6
						<hr/>		
						£2 14 10		

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship Britannia to Batavia, and thence to England.*)

Sir, Sydney, New South Wales, 3rd September, 1793.

3 Sept.
The transport
Boddingtons.

I have the honour to inform you that the Boddingtons, transport, with 124 male and 20 female convicts, from Ireland, arrived here on the 7th ultimo. The stores she brings are in good condition, and the prisoners, according to their own account, have been exceedingly well treated; they are in much better health than any I have ever seen landed here, and have had but one death on their passage.

Supplies from
India.

In my former letters I have already stated that our accidental supplies have saved us from some difficulties, but you will still observe by the Commissary's return, which I inclose you, that we are not in such abundance as to render precaution unnecessary. In your last dispatches, an intimation to try the Bengal market being signified, I have sent to Lord Cornwallis a ship called the Britannia, belonging to Mr. St. Barbe, which came out last year to this country with provisions. Though she is well calculated for the purpose, I should have preferred sending the Boddingtons, because, as she had already been agreed with by the Navy Board, any bargaining on my part would have been avoided; but

as she could not be ready sooner than in six weeks, was not coppered, and was more expensive than the other, I felt it my duty to take up the *Britannia*, she being compleatly ready for sea, and offered at a shilling per ton less than the *Boddingtons* had engaged for. A copy of the charter-party is inclosed, together with an account of the provisions I have now sent for.

1793.
3 Sept.

I hoped to have received by the *Boddingtons* as many supplies as would have rendered our situation more independent, for although in the event of my purchasing provisions, or taking up ships, no want ever has or is likely to occur, I cannot but be alarmed at all I purchase, and everything I do, being unaccustomed to business, and fearful of acting so much from my own discretion.

Grose's want
of self-reliance.

The vessel sent in frame by the Pitt has at length been put into the water. I have placed in her as the master the late boatswain of the *Discovery*. He had been sent here by Capt. Vancouver, for the purpose of returning to England as an invalid, but having recovered from his complaint, and being willing to take the command of the sloop for forty pounds a year, I thought it expedient to employ him, having manned the vessel with some seamen left here by other ships. She will sail for Dusky Bay in New Zealand immediately, in order to ascertain how far that place, which, I understand, possesses all the advantages of Norfolk Island, with the addition of a safe harbour and seal-fishery, may tend to the benefit of his Majesty's service, as connected with these settlements.

The Francis.

The *Dædalus* left Port Jackson on the first of July, having obtained here nearly everything Capt. Vancouver had applied for.

It being desired in Mr. King's letter,* received by the *Boddingtons*, that the Governor's opinion respecting the provisions procured from Bengal might be communicated, I shall not hesitate to say, although not a single article was received by the *Atlantic* which in any other part of the world would have been served as a ration, that I yet have not a doubt but the colony may be supplied, for everything brought by another ship (the *Shah Hormuzear*) was of excellent quality, excepting the salted meat, and this, although inferior to Irish-cured provisions, was not so bad but it might be eaten; and to what cause the colony was indebted for the trash brought by the *Atlantic* I never could discover.

Projected
supplies from
Bengal.

The frequent disappointments we have met with in the colony make me rather unwilling to say much of our wheat, but unless some untoward accident does befall it, we may from appearances reckon very largely on the ensuing crop.

Agricultural
report.

* Note 240.

1793.
3 Sept.

The officers are daily clearing ground to a considerable extent, and although the Indian corn grown on account of Government turned out very badly, the settlers from convicts have supplied the stores with some considerable quantity from their farms, the which I have instructed may always be taken from them at five shillings per bushel, it being at the same time a cheap purchase for Government, and an accommodating market for the settler.

The ill state of Captain Nepean's health having rendered his return to England necessary, I have directed him to take his passage in the *Britannia*; and to this officer, who has been some time in the colony, I beg to refer you for any particulars concerning it.

I have, &c.,

FRANS. GROSE.

[Enclosure No. 1.]

COMMISSARIAT RETURNS.

[Copies of these have not yet been found.]

[Enclosure No. 2.]

CHARTER PARTY OF THE *BRITANNIA*.

Charter Party
of store-ship
Britannia.

IT IS COVENANTED, CONCLUDED, AND AGREED UPON, this Twenty-sixth Day of August, in the Year of Our Lord One thousand, seven hundred and ninety-three, and in the Thirty-third Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith and so forth, By and Between Mr. William Raven, now Master, and Part Owner of the good Ship, or vessel, called the *Britannia*, of London, of the Burthen of 296 Tons, or thereabouts, according to the Registered Measurement; and now riding in Sydney Cove, Port Jackson, for and on Behalf of himself, and all, and every the Part Owners of the said Ship, or Vessel, of the One Part; and His Honor Francis Grose, Esq. Lieut.-Governor, in and over his Majesty's Territory of New South Wales, and its Dependencies, for, and on Behalf, of His Majesty, of the other Part, in Manner following:—

That is to say, The said William Raven, for and on Behalf of himself and all and every the Part Owners of the said Ship, or Vessel, hath granted, and to Hire and Freight, letten; And by these Presents doth grant, and to Hire, and Freight, let the said Ship, or Vessel, unto the said Francis Grose Esq. and doth agree, and engage, to procure therewith, to such Port, or Ports in India, as shall be hereafter directed, and to receive on board, all such Articles of Live Stock, and Provisions, as shall be put on board

by the Officer, in the Chief Government, of such Port, or Ports in India, as aforesaid, for the Use of His Majesty's Colonies in New South Wales.

1793.
3 Sept.

Charter Party
of store-ship
Britannia.

The said William Raven, doth further agree, that the said Ship, shall be strong, light, stanch, and substantial, both above Water and Beneath, and compleatly fitted with every Thing requisite, and necessary for a Voyage to India; and manned in the Proportion of Six Men and a Boy, to every One hundred Tons, fit and Capable to manage and Sail her.

The said William Raven, doth further agree, that the said Ship, or Vessel, shall (Wind and Weather permitting put to Sea, on or about Sunday, the first Day of September next ensuing, and that no unnecessary Delay shall be made in the Voyage of the said Ship, either to, or from India, touching only at such Port, or Ports, as shall be necessary for procuring Water, or other Refreshments, if she should stand in need thereof, or at such Port, or Ports, as he may be directed.

The said William Raven, doth further contract, agree, and engage, that the whole of the Tonnage of the said Ship, shall be for His Majesty, save and except, such Part, as may be necessary, for lodging the Seamen, Provisions for the Ship's Company, and the Stores for the Ship's use.

The said William Raven, doth further agree, contract, and engage, that he will not Ship, or cause to be shipped, on board the said Ship, or Vessel, any Spirits, or any other Articles, except such, as he shall be directed to procure, or for the use of himself, the Officers, and Seamen of the said Ship.

The said William Raven, doth further agree, that he will not take from this Colony, any Person, or Persons, other than he shall be directed, to receive on board.

The said William Raven doth further agree, contract, and engage, to be aiding and assisting with the People, and Boats, of the said Ship, in embarking and disembarking the said Cargo.

IN CONSIDERATION whereof, the said Francis Grose Esq. doth contract, agree, and engage, for, and on Behalf of His Majesty, that the Sum of Fourteen Shillings and Sixpence p. Ton each Kalendar Month, shall be allowed and paid for the Hire, and Freight of the said Ship, or Vessel, for so long Time, as She shall be continued in His Majesty's Service, which Freight or Pay, shall Commence from the Date hereof, and the same shall also cease, and determine, at the Time of her Discharge. And the said Willm. Raven, shall, on Signing and Sealing hereof, have and receive a Bill of Imprest made out, for two months Freight; the said Bills, as well as the Bills for the further Payment of the Freight of the said Ship, which shall be made out, and given on

1793.
3 Sept.

Charter Party
of store-ship
Britannia.

the final Delivery of the Cargo at Port Jackson aforesaid, to be Drawn upon the Principal Officers and Commissioners of His Majesty's Navy, at Ninety Days Sight.

And it is further contracted, covenanted, and agreed between the said Parties, that the said William Raven, shall not carry on any private Trade whatsoever, at any Port, or Ports which he may be directed to in India, which might in any wise interfere with the Trade carried on by the Servants of the Honorable the United Company of Merchants trading to India.

And the said Francis Grose, Esq. doth further agree, that the said Ship or Vessel, may, on her sailing from hence, proceed to Dusky Bay, in New Zealand, for the purpose of receiving on board, the Officers, and Seamen of the said Ship, who were left there, to prosecute the design of the Voyage, on which the said Ship sailed from England; The said Willm. Raven, covenanting and agreeing not to remain in the said Bay longer than seven Days, for the purpose above mentioned; but should it be necessary for the said Willm. Raven to remain in the said Bay, longer than the Time above limited, then and in that Case the Number of Days which the said Ship may exceed the Time above limited, in her Stay in the Place aforesaid, are to be Deducted from the Monthly Pay of the said Ship.

To the true performance of all and singular the Contracts Conditions and agreements above mentioned, on the Part and Behalf of the said Will: Raven, and all and every the Part owners of the said Ship or Vessel, to be kept, done, and performed, he the said William Raven on behalf of himself and all and every the Part Owners of the said Ship or Vessel, bindeth himself, his heirs, Executors, and Administrators, and the said Ship or Vessel, with her Tackle, Apparel, Freight, and Furniture, unto the said Francis Grose, Esq. for and on Behalf of His Majesty, in the Penalty or Sum, of One Thousand Pounds, of lawful Money of Great Britain, to be recovered and paid by these Presents.

IN WITNESS whereof, he the said Willm. Raven, hath set his Hand and Seal, to the One Part, and to the other Part hereof, the said Francis Grose Esq. for, and on Behalf of His Majesty hath set his Hand and Seal the Day and Year first above written.

FRANCIS GROSE L.S.

WILLIAM RAVEN L.S.

SIGNED, SEALED, AND DELIVERED (where no Stamps are used, or can be had), in the Presence of,— JOHN PALMER.

DAVID COLLINS.

A true Copy,—DAVID COLLINS, Secy. to the Governor.

[Enclosure No. 3.]

1793,
3 Sept.

PROVISIONS wanted for His Majesty's Colonies in New South Wales, to be shipped in Bengal, on board the Britannia, Mr. William Raven, Commander, vizt.:

An equal Quantity of Irish Beef and Pork, if to be procured. If Beef cannot be purchased, a Cargo of Pork.

Should it so happen that neither Beef or Pork can be obtained, the following Articles are the most wanting:

Vizt.

Sugar		Thirty seven Tons.
Rice	}	An equal Proportion of
Dholl		the remaining Stowage.

JNO. PALMER, Commissary.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per store-ship Britannia to Batavia, and thence to England.*)

Sir, Sydney, New South Wales, 4th September, 1793.

4 Sept.

At the desire of the Reverend Mr. Johnston, I have the honour to forward a letter written by himself to request that some expences he has been at in erecting a house for the purposes of public worship be reimbursed him. I cannot pass over this business without observing that Mr. Johnston, who is one of the people called Methodists, is a very troublesome, discontented character. His charge for this church is infinitely more than it ought to have cost, and his attempt to make a charge of it at all surprises me exceedingly; for, on his applications to myself for a variety of little articles with which he has been furnished from the stores, he has invariably stated that as he was building this church at his own expence he hoped to be obliged, and on this account generally was accommodated with whatever he came to ask.

Rev. R.
Johnson's
request for
re-imbursement
for building a
church.

In compliance with his request, I have inclosed the estimate of his expences, but I beg not to be understood as at all meaning to countenance his application.

I have, &c.,

FRANS. GROSE.

[Enclosure No. 1.]

THE REV. R. JOHNSON TO THE RIGHT HON. HENRY DUNDAS.†

Hon'd Sir, Sydney, New S. Wales, 3rd Sep'r, 1793.

As chaplain to this distant colony, I humbly beg leave to state to you these following circumstances, viz.:—That from my first arrival in this country, which was at the first formation of

* Note 239. † Note 241.

1793.
4 Sept.

Rev. R.
Johnson's
request for
re-imbursement
for building a
church.

the settlement, I trust I have at all times endeavoured to discharge the various duties of my sacred function with fidelity and diligence.

That in doing this I have hitherto met with many and great inconveniences.

That publick works of different kinds have been, and still continue to be, so urgent that no place of any kind has yet been erected for the purpose of performing divine service.

That my own health has been greatly exposed, and at times not a little injured, by this means.

That, for the same reasons (I mention it with sincere concern), there has been too general and repeated neglect shown to publick worship.

That on these and suchlike considerations, I have at length deemed it advisable, and even expedient, on my own accord and account, to run up a temporary shelter which may serve the above important purpose untill a better can be provided.

That I have, to save expense, gone upon as reasonable and rough a plan as possible; that I have, since I began this work, devoted the principal part of my time to it, and have exerted myself to the utmost to get it compleated.

That I began this building on the 10th of June last, and have just at this time got it finished.

That the building which I have erected will seat about five hundred people, and hold one hundred more when necessary.

That I have given in an estimate of the whole expense to his Honour the Lieutenant-Governor, the real amount of which has been upwards of sixty-seven pounds, sixty pounds of which I have paid in Spanish dollars, and the remainder in provisions, at or under prime cost.

I humbly trust, sir, that what I have done will meet with your approbation, that it will be a means of rendering my own situation somewhat more comfortable than it hitherto has been, and also of inducing these unhappy people, whose reformation I do so ardently wish to see, to attend more willingly, and consequently more regularly, upon the solemn and publick worship of God.

I beg leave, sir, to apologize for intruding so much upon your time when matters of much mightier moment are daily coming before you; but conscious of the rectitude of my intentions, and fully aware of the expediency of what I have done in the above affair, I have been induced to take this freedom.

I have, &c.,

RICHARD JOHNSON.

AN ESTIMATE of the Expenses in building a Place of Worship at Sydney, New South Wales.

The different workmen employed.	Spirits.	Flour.	Pork.	Beef.	Tobacco.	Tea.	Computed prices of the above provisions.	The real price of do.	Paid in dollars, &c.	Computed price of the whole building.	Real price of do.
Cutting posts, rafters, &c.	galls. 2½	lb. 39	lb. 4	lb. 7	lb.	oz.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Do grass	4	46	11½	20	...	...	2 11 4	1 9 8½	1 10 6	4 1 10	3 0 2½
Long-boat, my own	4	9	...	...	...	5	3 15 3½	2 5 7½	3 10 6	7 5 9½	5 16 1½
Sawyers, for 1,750 feet of plank	4	...	...	...	...	...	2 7 0	1 2 6	4 12 0	6 19 0	5 14 6
Thatcher	½	...	...	...	...	...	2 0 0	0 18 0	5 4 6	7 4 6	6 2 6
Timber carriage .....	...	...	...	...	...	...	0 2 6	0 1 1½	4 0 0	4 2 6	4 1 1½
Outside carpenters	5	22	3½	6½	3	...	...	...	3 18 6	3 18 6	3 18 6
Wattlers and plasterer .....	...	...	...	...	...	...	3 8 8	1 15 9	13 15 0	17 3 8	15 10 9
Labourer to do .....	...	...	...	...	...	...	...	...	4 10 0	4 10 0	4 10 0
Tempering and wheeling clay .....	...	...	...	...	...	...	...	...	3 15 0	3 15 0	3 15 0
Leveling ground and other work .....	...	...	...	...	...	...	0 2 6	0 1 1½	1 0 0	1 2 6	1 1 1½
Inside carpenters .....	...	...	...	...	...	...	...	...	2 17 6	2 17 6	2 17 6
Blacksmiths .....	...	...	...	...	...	...	0 2 6	0 1 1½	6 13 6	6 16 0	6 14 7½
Glazier .....	...	...	...	...	...	...	...	...	2 5 6	2 5 6	2 5 6
54 Bulkheads, at 9d. each .....	...	...	...	...	...	...	...	...	0 5 0	0 5 0	0 5 0
Total	20½	116	18½	33½	3	5	14 9 9½	7 14 11½	59 18 0	74 7 9½	67 12 11½

That the above is, to the best of my knowledge, a just estimate of the expenses in erecting the above building, I am willing to be on oath, if at any time or by any person I am required.

Sydney, Sept'r 3rd, 1793.

RICHARD JOHNSON, Chaplain.

N.B.—The computed price of spirits is 10s. per gallon; flour, 6d. per lb.; pork, 6d.; beef, 4d.; tobacco, 1s. 3d.; tea, 8s. The real price which they cost me—spirits, 4s. 6d. per gallon; flour, 4d.; pork, 6d.; beef, 4d.; tobacco, 8d.; tea, 5s. The above estimate is made exclusive of the labour of my own servants, which altogether has been eighty days.

1793.
4 Sept.
Rev. R. Johnson's request for re-imbursement for building a church.

1793.
12 Oct.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per transport Boddingtons, *viâ* India.*)

Sydney, New South Wales,

12th October, 1793.

Sir,

I have the honour to inform you that since the date of my last dispatches the Sugar-cane, transport, with Irish convicts, has arrived here.

The contractor, as well in this ship as the Boddingtons, appears to have performed his engagement with great liberality; and the prisoners they have conveyed prove by their healthy appearance the extraordinary attention that must have been paid by the Naval Agents.

In two ships, containing three hundred and three people, one person only had died, and amongst those landed in the colony scarcely any are sick.

From the number of disappointments we have experienced, I am unwilling to say much on the subject of our crops; but I believe I am at present safe in assuring you that, what with the public ground and private farms, there is but little doubt of our reaping as much corn this harvest in the colony as will supply us the ensuing year; and I have further the satisfaction to say that a convict carpenter whose abilities have been hitherto concealed has for the hopes of reward completed a most capital mill, equal to grind as much corn as can be consumed here. This is now at work, and has already contributed greatly to our comforts.

The duplicates of my last letters, which are herewith transmitted, contain every information respecting the colony I have to communicate, and since that period nothing material has occurred to us.

I must not, however, omit to mention that the surplus provisions brought in the Boddingtons and Sugar-cane belonging to the contractor I have instructed the Commissary to purchase for the use of the colony, and he has drawn bills upon the Treasury for the amount thereof.

I have, &c.,

FRANS. GROSE.

LIEUT.-GOVERNOR GROSE TO UNDER SECRETARY NEPEAN.

(Per transport Boddingtons, *viâ* India.*)

Sydney, New South Wales,

12th October, 1793.

Sir,

I have to acquaint you that the Boddingtons, transport, arrived at this place the 7th of August last, and was cleared of the convicts and stores which she had on board, and discharged from Government employ on the 23rd following.

Arrival of
transport
Sugar-cane.

Agricultural
forecast.

Provisions
purchased.

Transport
shipping.

The Sugar-cane, transport, arrived here the 17th of last month, and was cleared and discharged from Government employ on the 4th instant.

1793.
12 Oct.

Both these ships brought out their convicts in good health, and their stores and provisions in the best order.

One hundred and twenty-four male and twenty female convicts were landed from the Boddingtons, and one hundred and nine male and fifty female convicts were landed from the Sugar-cane.

Number of
convicts landed.

I have permitted the master of the Boddingtons to receive on board two persons whose sentences of transportation have expired; and the master of the Sugar-cane has also my permission to receive six persons of the same description, one seaman, left from the Kitty, transport, and one woman, a free woman, who came out in the Gorgon.

I am, &c.,

FRANS. GROSE.

THE RIGHT HON. HENRY DUNDAS TO LIEUTENANT-GOVERNOR GROSE.

(Per store-ship Indispensable*; acknowledged by Lieut.-Governor Grose, 5th July, 1794.)

Sir,

Whitehall, 15th November, 1793.

15 Nov.

You will receive this by the ship Speedy, and a duplicate thereof, as well as of my letter of the 30th of June last, will be sent by the ship Resolution, which will sail about the same time with the Speedy. These two ships will have on board the articles of provision and stores particularly described in the inclosures Nos. 1, 2, and 3, and you are to understand that with what has been already sent by the William, and what will almost immediately follow in the Indispensable, Salamander, and his Majesty's ships the Supply and ,† you will be furnished with a liberal supply of provisions and ready-made cloathing for the settlement for one year, exclusive of what may be in store, together with such stores as are most wanted.

Despatches.

Supplies.

The whole cloathing is calculated for two thousand five hundred men and seven hundred women, according to the distribution in No. 4.

The two last-mentioned ships have been purchased for his Majesty's service, and will be sent under the command of a naval officer for the purpose of supplying the settlement with live stock from the Molucca, or Sunda Isles, conformably to the plan described in the inclosure No. 3 of my letter to you of the 30th of June last, or, if that cannot be done, then from Madagascar. I have already represented the importance of this object, and it is clear that until a supply of live stock sufficient for the consumption of the colony can be procured, its dependance on this

Ships for the
colonial service.

* Note 242. † Note 243.

1793.
15 Nov.

country for salt provisions must not only retard its progress in improvement, but must subject it to accidents, which from its distance from this country it will be very difficult entirely to guard against.

Instructions
re stores.

As a very considerable supply of cloth was sent out in the Bellona, it will be highly necessary that you should not begin to distribute the clothing now sent out before that cloth has been expended; such part of it only excepted as it may be necessary to keep for the purpose of mending and repairing the clothing now sent out.

In distributing the clothing now sent in the proportion stated in inclosure No. 4, it must be clearly and explicitly understood by each individual at the time of receiving the same that it is to be his or her cloathing for one year, and that no addition will, on any account, be made to it.

There was sent out in the Bellona 117,974 yards of raven duck, from which there should be made for each labouring male convict, one short frock, or jacket, and one pair of trowsers, or two, if necessary, in addition to his year's clothing as above mentioned; and also one jacket to each labouring female convict, in addition to her year's clothing.

Births and
deaths to be
registered.

It is highly necessary that a yearly return should be made and signed by the Governor of the settlement, or the person administering the government thereof, of all births and deaths within the settlement.

Commissariat
returns to be
kept.

A like return should be transmitted of all provisions, clothing, and stores, annually received for the use of the settlement; and you will, therefore, not fail regularly to transmit such return to the Secretary of State for this department, and to the Lords of his Majesty's Treasury, with the Commissary's returns of their distribution, under separate heads, of clothing, stores, and provisions. The distribution of the provisions should appear in a victualling-book, which should be kept by the Commissary, in like manner as is usual with pursers in the Navy, bearing the persons on separate lists, where their rations differ, the title of each list expressing the ration; and the ready-made clothing should be distributed in the manner above mentioned; and a regular account, both as to the time and the numbers, mentioning their names to whom it is distributed, should appear in a yearly return of clothing.

Rewards for
deserving
convicts.

In addition to the above-mentioned clothing, there will be sent out thirty suits of men's cloaths, of a better sort, with a view to your distributing the same, as a matter of favour, to such convicts only as you may think proper to employ on any duty whereby some trust or confidence is reposed in them.

In order to guard against the convicts selling their clothing, measures are now taking for weaving the materials, for all such articles of clothing as will admit of it, with a large stripe of some bright and distinguishing colour, by which the detection of the persons purchasing any clothing from the convicts will be rendered exceedingly easy; and in the meantime the crime itself, in cases where it is clearly proved, should be punished with a proper degree of severity in the persons both of the buyer and seller.

1793.
15 Nov.
Special cloth
for convicts.

In the estimate for New South Wales to be laid before Parliament for the ensuing year, it is proposed to increase the salaries of the superintendants of the convicts to £50 a year. In case any of the superintendants intend to resign, it will be absolutely necessary that immediate notice thereof should be given to his Majesty's Secretary of State for the Home Department, in order that proper persons may be sent out to succeed them. Their departure previous to the arrival of their successors would be evidently injurious to the colony. This should be clearly understood by all the superintendants, who must necessarily be considered in this respect as upon the same footing with the rest of his Majesty's civil officers in the settlement.

Instructions re
superin-
tendents.

I observe that considerable difficulties have arisen in consequence of the allotments to settlers, which took place during the command of Major Ross, in Norfolk Island. From the total ignorance of the surveyor, and from his inattention to the King's instructions in that behalf, the allotments for the different settlers are made out in the most irregular manner, and so situated as to interfere with and to intersect each other in many instances. The only mode, under the present circumstances, which appears to afford a practicable remedy for the evil is forthwith to give directions to Lieutenant-Governor King to use his own judgment and discretion in granting to some of the settlers thus circumstanced such parts of the Crown reserves lying between the lots in question as will indemnify them for what they must suffer other settlers to retain. In consequence of this, other reserves must be made for the Crown; and in order that they may be, as nearly as circumstances will permit, of an equal value with those given up, they must be made as contiguous as possible to the lots of the settlers in question, and bearing such proportion to them as is required by the said instructions. I have only to add, that you will not fail, at the same time, to direct Lieutenant-Governor King not only to have every future lot so clearly marked out as to render its interference with any other lot impossible, but to take care that the Crown reserve between every two lots shall in all instances be equal in size to the largest of them, as required by the instructions.

Land grants
at Norfolk
Island.

1793.
15 Nov.
The medical
staff.

Mr. Thomson, who will succeed Mr. Arundel* as an assistant-
surgeon, will go out in one of the vessels I have mentioned in
the beginning of my letter; and by one of his Majesty's ships,
which will follow, a Mr. Leeds will go out as an assistant-
surgeon, upon whose arrival Mr. White will certainly be at liberty
to return home.

It may be proper to add here that it is intended that the
assistant-surgeons shall succeed to the office of chief surgeon by
rotation,* and according to their seniority from the dates of their
commissions.

I am, &c.,
HENRY DUNDAS.

[Enclosure No. 1.]

AN Account of Provisions shipped on board the under-mentioned
Transports for the use of the Settlement in New South
Wales, in pursuance of an order from the Right Hon'ble the
Lords Commissioners of his Majesty's Treasury, signified by
Mr. Long's letter of the 20th September last, viz. :—

Ships' Names.	Masters' Names.	Beef.	Pork.	Flour.	Sugar.	Mo- lasses.	Pease.
Speedy	Thomas Melville ...	pounds 47,520	pounds 28,160	pounds 94,752	pounds 14,027	pounds 14,413	bushels 560
Resolution ...	John Locke	64,800	36,960	151,200	18,601	18,187	969
Indispensable	William Wilkinson	84,480	47,520	286,272	...	...	1,944½
Remain to be sent to compleat the order above mentioned		196,800	112,640	532,224	32,628	32,600	3,473½
		107,140	61,040	683,536	...	...	4,667½
		303,940	173,680	1,215,760	32,628	32,600	8,141

[Enclosure No. 2.]

AN Account of Cloathing and Stores shipped on board the
Speedy, Thomas Melville, master, for the use of the Settle-
ment of New South Wales.

21	cases of	men's shoes, containing	...	...	5,000	pairs.
6	"	women's shoes	"	...	1,400	"
17	"	men's hats	"	...	1,428	"
8	"	women's hats	"	...	700	"
12	"	men's	"	...	1,072	"
5	"	shifts	"	...	1,400	"
1	"	caps	"	...	1,400	"
15	bales of	suits of cloaths	"	...	750	suits.
7	"	jackets	"	...	700	"
20	"	shirts	"	...	5,000	"
1	"	caps	"	...	600	"
8	"	stockings	"	...	5,000	pairs.
2	"	women's stockings	"	...	1,400	"
25	"	beds and bolsters	"	...	2,000	"
1	cask of	spades	"	...	110	"
1	"	rosin	"	...	242	lb.

* Note 244.

AN Account of Clothing and Stores, &c.—*continued.*1793.
15 Nov.Clothing and
stores per
Speedy.

7 cases of felling axes	„	...	...	400
2 „ carpenter's axes	„	...	...	100
1 „ ship carpenter's	„	...	...	24
1 „ claw hammers	„	...	...	200
2 „ drawing knives	„	...	...	400
1 case of ironmongery	...	...	{	10 pitt saws.
				2 crosscut saws.
				30 handsaws.
				24 crosscut files.
				10 compasses.
				10 box rules.
9 cases of ironmongery, each containing the same as above.				24 sets augers.
				40 sets chissels and gouges
2 cases of ironmongery ... each				40 lathing hammers.
				100 trowels.
				100 dozen gimblets.
				4 sets coopers' tools.
6 cases of head hatchets, containing	...	...	...	500
1 case, containing 6 sets of scales.				
2 cases of sieve rims, containing	...	...	...	100
2 „ containing 5 rheams of cartridge paper.				
1 case containing	...	...	{	5 dozen of masons' lines, and
				10 „ chalk-lines.
1 case of check neck handkerchiefs, containing	...	...	...	700
1 case containing	...	...	{	100 dozen of small-tooth, and
				50 „ large-tooth combs.
2 bundles of German steel.				
123 bars of Russia iron.				
137 bundles of bolt iron.				
240 „ casement iron.				
110 bundles of plate iron.				
1 sheet of lead.				
350 iron potts.				

[Enclosure No. 3.]

AN Account of Cloathing and Stores shipped on board the Resolution, John Locke, master, for the use of the Settlement in New South Wales.

35 bales of suits of cloaths, containing	...	1,750 suits.
18 „ jackets	„	1,800
3 „ caps	„	1,900
4 „ women's jackets	„	700
10 „ petticoats	„	1,400
1 case, containing 20 suits of better cloaths.		
1 cask of spades	...	90 spades.
1 „ rosin	...	244 lb.

Loose.

3 bundles of German steel.	560 bars of bolt iron.
107 „ rolled iron.	473 „ Russia iron.
390 „ plate iron.	107 slabs of Swede's iron.
1,266 „ rod and casement iron.	150 iron potts.
	1 sheet of lead.

1793.
15 Nov.

[Enclosure No. 4.]

THE quantity and proposed mode of distributing the Clothing sent out to New South Wales for the use of the convicts, supposing the numbers in the colony on the arrival thereof to be 2,500 men and 700 women.

To the Men.

Jackets,	2	each	...	...	...	5,000
Waistcoats,	1	"	...	...	...	2,500
P'rs of breeches,	1	"	...	...	...	2,500
Shirts,	2	"	...	...	...	5,000
Hats,	1	"	...	...	...	2,500
Woolen caps,	1	"	...	...	...	2,500
P'rs of shoes	2	"	...	...	...	5,000
„ stockings,	2	"	...	...	...	5,000

To the Women.

Jackets,	1	each	...	...	...	700
Petticoats,	2	"	...	...	...	1,400
Shifts,	2	"	...	...	...	1,400
P'rs of stockings,	2	"	...	...	...	1,400
„ shoes,	2	"	...	...	...	1,400
Caps,	2	"	...	...	...	1,400
Neck h'dk'chiefs,	1	"	...	...	...	700
Hats,	1	"	...	...	...	700

THE VICTUALLING BOARD TO LIEUTENANT-GOVERNOR GROSE.
(Per store-ship Speedy; arrived Sydney, 8th June, 1794.)

22 Nov.
Provisions
shipped.

Sir, Victualling Office, 22nd November, 1793.

The Right Honorable the Lords Commissioners of his Majesty's Treasury having been pleased, by Mr. Long's letter of the 20th of September last, to direct us to procure 303,940 pounds of beef, 173,680 pounds of pork, 1,215,760 pounds of flour, 32,600 pounds of sugar, 32,600 pounds of molasses, and 8,141 bushels of pease, to be shipped for the use of the settlement at New South Wales as soon as vessels could be got ready for that service, and to consign the same to you,—we beg leave to transmit herewith invoices of the provisions which we have shipped, in part of the quantities before mentioned, on board the following Navy transports, viz., Speedy (Thomas Melville, master), Resolution (John Locke, master), together with the masters' bills of lading for the same, to whom we request you will be pleased to direct receipts to be granted for the quantities they may respectively deliver.

The remainder of the provisions, which we are ordered to send to your address, we shall forward as fast as the Commissioners of the Navy shall provide vessels for that purpose, and of which we shall give you due information.

We have, &c.,
G. P. TOWRY. GEO. CHERRY.
FRAS. STEPHENS. A. CHORLEY.

[Enclosures.]

1793.
22 Nov.

[The invoices are of the usual type, and cover the shipment of the goods specified in the enclosures of the despatch of the Right Hon. Henry Dundas to Lieut.-Governor Grose, dated 15th November, 1793.]

THE VICTUALLING BOARD TO LIEUTENANT-GOVERNOR GROSE.

(Per store-ship Indispensable.*)

Sir,

Victualling Office, 4th Dec., 1793.

4 Dec.

In addition to the Letter we had the Honor to write you on the 22d. ulto. informing you of the quantities of provisions we had been directed by the Right Honourable the Lords Commissioners of His Majesty's Treasury to provide for the use of the Settlement in New South Wales, and of what we had Shipped in part thereof on board the Resolution and Speedy Navy Transports: we beg leave to transmit to you herewith an Invoice of provisions which we have put on board the Indispensable, Navy Transport, William Wilkinson, Master, in further part of the quantities above alluded to together with the Master's Bill of lading for the same: And we request you will be pleased to order receipts to be granted for the quantities of provisions he may accordingly deliver.

Provisions
shipped.

We have, &c.,

G. P. TOWRY.

W. BOSCAWEN.

FRAS. STEPHENS.

GEO. CHERRY.

A. CHORLEY.

[Enclosure.]

[Copies of the invoice and bill of lading have not yet been found.]

THE NAVY BOARD TO LIEUTENANT-GOVERNOR GROSE.

(Per store-ship Indispensable.*)

Sir,

Navy Office, 17th Dec., 1793.

17 Dec.

Inclosed you receive Copies of the Charter Parties for the Freight of provisions and Stores on board the Ships named in the margin,† for the use of the Settlement at New South Wales, in which you will observe a Clause providing that in case it should be found necessary to send any part of their Cargoes to Norfolk Island, the Ship destined for that service is to be paid One pound per Ton in addition to the freight to New South Wales for the whole Tonnage sent out in her from hence. We therefore recommend it to you if any one of the Cargoes do

Charter Parties
of Speedy,
Resolution, and
Indispensable.

* Note 239.

† Speedy, Resolution, Indispensable.

1793.
17 Dec.

not contain a proper assortment of the different Articles wanted in that Island, to select a proper loading from the different Ships, and send only one of them, as the Owners will claim the additional freight, if their Ships are sent thither, although they may not be half loaded. And we request your attention to the landing of their Cargoes within the Time limited, to prevent their coming on Demurrage.

We are, &c.,

WILLM. RULE.

SAML. WALLIS.

S. MARSHALL.

P.S.—We also send you the Bills of lading for the provisions shipped on board the Speedy Resolution and Indispensable and also of the Stores on board the two first Ships.

[Enclosures.]

[Copies of these Charter Parties have not yet been found.]

THE VICTUALLING BOARD TO LIEUTENANT-GOVERNOR GROSE.

(Per store-ship Salamander.)

Sir,

Victualling Office, 20th Jany., 1794.

We beg leave to acquaint you that since our Letter of the 4th Ultimo (of which the inclosed is a Copy) we have shipped on board the Salamander Navy Transport, William Irish Master, the following quantities of provisions for the use of the Settlement in New South Wales, in further part of the quantities directed by the Lords Commissioners of His Majesty's Treasury per Mr. Long's Letter of the 20th Sept. last to be provided for that Settlement Vizt.:—

Beef pounds	Pork 4 lb. pieces	Pease Bushels	Flour Pounds
107,360	15,380	2,685	77,952

An Invoice of the said provisions together with the Master's Bill of Lading for the same we herewith transmit to you and we request you will be pleased to order Receipts to be granted for the quantities of provisions he may accordingly deliver.

We have, &c.,

G. P. TOWRY.

W. BOSCAWEN.

F. T. HARTWELL.

FRAS. STEPHENS.

GEO. CHERRY.

A. CHORLEY.

1794.
20 Jan.
Provisions
shipped.

THE NAVY BOARD TO LIEUTENANT-GOVERNOR GROSE.

(Per store-ship Salamander.)

1794.
5 Feb.

Sir, Navy Office, 5th February, 1794.

The undermentioned are the quantities of provisions which have been shipped on board the Salamander for New South Wales, vizt.:—Beef, 244 hhds., containing 107,360 lb.; pork, 139 do. do., 15,380 (4-lb.) pieces; pease, 537 barrels, 2,685 bushels; flour, 232 do., 77,952 lb.; and we acquaint you this ship is hired on the same terms as the Speedy, Resolution, and Indispensable, mentioned in our letter of the 17th December last.

Provisions per
store-ship
Salamander.

We are, &c.,

T. HUNSLOW

W. PALMER.

GEO. MARSH.

UNDER SECRETARY KING TO LIEUTENANT-GOVERNOR GROSE.

(Per transport Surprize.*)

Sir, Whitehall, 14th February, 1794.

14 Feb.

You will observe from copies of certificates of the sentences of Muir, Palmer, Margarot, and Skirving,† who are amongst the convicts on board the Surprize, that they were convicted of the crime of sedition, considered as a public offence. I have no doubt but that their present situation, the sufficiency of their own understandings, and the nature and constitution of the settlement they are going to, will prove motives (if any be necessary) sufficiently strong to preserve them from any attempt hostile to the peace and good order of your Government. At the same time, you will, of course, keep a watchful eye over their conduct, and for their sakes, as well as for the sake of the settlement, give them clearly to understand what must be the consequence of any such attempts on their parts.

Political
transportees.

Although directions have been given that the persons above mentioned should not be suffered to carry out with them any publications of a seditious or dangerous tendency, yet I take the opportunity of submitting to you whether it will not be highly necessary with this view that their effects should be carefully examined previously to their landing at Port Jackson.

A young man of the name of Ellis has been permitted by Mr. Secretary Dundas to accompany Palmer in the Surprize; but it has been at the same time clearly explained to the latter that Ellis is not to accompany him as now, to continue to be his domestick in the settlement; but, on the contrary, that Ellis must on his arrival there be considered as a free settler.

I am, &c.,

J. KING.

* Note 239.

† Note 245.

1794.
15 Feb.

THE RIGHT HON. HENRY DUNDAS TO LIEUTENANT-GOVERNOR GROSE.
(Per transport *Surprise*; acknowledged by Lieut.-Governor Grose,
10th December, 1794.)

Sir,

Whitehall, 15th February, 1794.

Convicts per
transport
Surprise.

You will receive this by the *Surprise*, transport, which has been taken up on account of Government, and carries out 60 female and 20 male convicts, a guard of 15 men with 6 prisoners from the Savoy,* making together 21 recruits for the New South Wales Corps, and the provisions and stores specified in Inclosure No. 1. None of the female convicts exceeds 40 years of age, and there can be no doubt but that they will be the means by inter-marriage of rendering the men more diligent and laborious, and with greater satisfaction to themselves, in proportion as the object or motive of their labour will thereby be increased and enhanced.

Free settlers.

The *Surprise* likewise carries out two settlers, who have been well recommended, with their respective families, as specified in No. 2. One of them, Mr. Boston, will, I hope, prove particularly useful to the settlement by curing fish and making salt, the objects to which his attention has been particularly drawn.

Alterations of
Charter Party.

You will not fail to observe that the *Surprise* has been taken up by the Navy Board for the express purpose of carrying out convicts, and of being filled with respect to the remainder of her tonnage with provisions for the settlement. In order, therefore, to prevent the frauds which have heretofore taken place on the part of either the owners or masters of transports so taken up, it is particularly stipulated in the present contract made with the *Surprise* that, in case there should be any articles of merchandize found on board her, or any stores or provisions more than is necessary for the remaining part of the voyage (after landing those on Government account), that the Governor shall and may seize the same for the use of the settlement.

The store-ship
Salamander.

The *Salamander* will sail from hence about the same time with the *Surprise*. She has on board the provisions specified in the Inclosure No. 3.

Hunter
succeeds
Phillip.

Having written so fully on the several matters relating to the settlement in my letter to you of the 15th of November last, by the *Speedy*† (a duplicate of which I sent by the *Resolution*), I have at present nothing further to add than to acquaint you that his Majesty has been pleased to appoint Captain Hunter Governor of the settlement in New South Wales, in the room of Captain Phillip, who has resigned.‡ Captain Hunter will take his departure in the *Supply*, which will be commissioned forthwith.

The medical
staff.

As Mr. Thompson, one of the assistant-surgeons, goes out in the *Surprise*, and Mr. Leeds, the other assistant-surgeon, men-

* Note 246. † Note 242. ‡ Note 247.

tioned in my letter of the 15th of November, will sail in the Supply, I see no reason why Mr. White, the chief surgeon, may not have leave of absence by the first convenient opportunity.

1794.
15 Feb.

I have received a letter from Lieutenant-Governor King, dated the 31st Dec'r, 1792, by which it appears that the settlement on Norfolk Island has made great progress towards supporting itself with every other species of provisions except fresh meat; and as soon as ever there is a superabundance of grain and pulse in that island, it must of course have the effect of speedily increasing such species of live stock as they are already possessed of. You will not fail to communicate to Lieut.-Governor King my approbation of the means pursued by him, as set forth in the letters above mentioned.

Report from
Norfolk
Island.

I am, &c.,

HENRY DUNDAS.

[Enclosure No. 1.]

Victualling Office, 13th February, 1794.

AN Account of Provisions, &c., shipped on board the Surprize for New South Wales, distinguishing the different services for which they are intended.

For the use of the Settlement at that place, in further part of the quantities directed to be sent thither by Treasury order, dated the 20th Sept'r last.

Flour, 161,280 pounds, in 480 barrels.

Pease, 600 bushels, in 120 do.

For the use of Convicts on their passage.

Stock fish, 1,067 lb., in 22 bundles.

Port wine, 225 gallons, in 7 half-hogsheads.

Sugar, 600 pounds, in 2 barrels.

Rice, 1,067 pounds, in 3 barrels.

Raisins, 1,600 pounds, in 16 kegs.

Sugar, 960 pounds, in 3 barrels } For the female

Tea, 80 pounds, in 13 cannisters, contained in 1 box } convicts.

Beef, 1,064 (8-lb.) pieces, in 28 tierces, with 168 iron hoops.

Pork, 840 (4-lb.) pieces, in 7 hogsheads, 56 iron hoops.

Suet, 806 pounds, in 3 barrels and 1 half-hogshead, with 32 iron hoops.

Bread, 10,640 pounds, in 95 bags.

Flour, 6,505 pounds, in 12 hogsheads.

Pease, 99 bush's 5 gall's, in 12 hogsheads and 1 half-hogshead.

Oatmeal, 50 bush's, in 1 hogshead, 4 barrels, and 1 half-hogshead.

Butter, 200 pounds, in 2 casks.

To be landed with the Convicts.

Beef, 546 (8-lb.) pieces, in 13 half-puncheons, with 78 iron hoops.

Pork, 2,146½ (4-lb.) pieces, in 27 half-puncheons, with 162 iron hoops.

1794.
15 Feb.

ACCOUNT of Provisions, &c.—*continued.*

For the Guard on the Passage.

Beef, 252 (8-lb.) pieces, in 6 half-puncheons, with 36 iron hoops.
 Pork, 318 (4-lb.) pieces, in 4 half-puncheons, 24 iron hoops.
 Suet, 40 pounds, in 1 half-hogshead, with 6 iron hoops.
 Bread, 4,480 pounds, in 40 bags.
 Flour, 528 pounds, in 1 hogshead.
 Pease, 21 bush's 5 gall's, in 4 barrels.
 Oatmeal, 30 bush's, in 3 barrels and 1 half-hogshead.
 Raisins, 108 pounds, in 1 half-hogshead.
 Butter, 62 pounds, in 1 firkin.
 Cheese, 80 pounds, ———, in 1 half-hogshead.
 Vinegar, 40 gallons, in 1 barrel, with 8 iron hoops.
 Rum, 280 gallons, in 3 puncheons and 1 half-hogs'd, with 32 iron hoops.
 Beer, 2 tuns, in 8 hogsheads, with 64 iron hoops.
 Sugar, 360 pounds, in 1 barrel, with 8 iron hoops.

Water-casks.

Leagres, 74, with 740 hoops.	Hogsheads, 30, with 240 hoops.
Butts, 20, with 200 hoops.	Half-hhds., 16, with 128 hoops.
Puncheons, 30, with 240 hoops.	Punch'ns, S.T., 2, with 14 hoops.

[Enclosure No. 2.]

LIST of Settlers who have embarked on board the *Surprize* for
New South Wales.

John Boston, his wife and three children,
Matthew Pearce and his wife (pregnant).

[Enclosure No. 3.]

AN Account of Provisions shipped on board the *Salamander* for
New South Wales.

Beef, 244 hogsheads, containing 107,360 lb.
 Pork, 139 hogsheads, 15,380 (4-lb.) pieces.
 Pease, 537 barrels, 2,685 bushels.
 Flour, 232 barrels, 77,952 lb.

THE NAVY BOARD TO LIEUTENANT-GOVERNOR GROSE.

(Per transport *Surprize*.)

5 March.

Sir,

Navy Office, 5th March, 1794.

Charter of
transport
Surprize.

Having in obedience to the directions of the Right Honorable the Lords Commissioners of the Treasury hired the ship *Surprize* (P. Campbell, master, burthen 429 tons), to carry settlers, convicts, and provisions to New South Wales, we transmit you herewith a copy of her charter-party, and also copies of the bills of lading for the provisions put on board her for the use of the settlement, and a list of the settlers and convicts embarked.

We also send you a copy of the account of the provisions put on board for their use during the voyage, and the rations to be

allowed them. The remains, being the property of Government, are to be delivered into the King's stores, and every other article on board the ship except provisions for the crew and stores for the voyage. You will observe by the charter-party the ship is to be discharged upon her arrival at Port Jackson, after being cleared of her cargo; and if it should be found necessary to send her to Norfolk Island, we have agreed to allow the owners the sum of one hundred pounds for the same.

The Lords of the Treasury having thought proper to appoint Mr. Will'm Baker to be the superintendant, and Mr. Ja's Thomson surgeon to the settlers and convicts, we have agreed to allow them, and also the master of the ship, one guinea each for every convict landed at Port Jackson, as an inducement to them to take every possible care for their preservation; and we request that you will grant them your certificate of the numbers so landed accordingly.

The Kitty, transport, arrived at Cork the 5th ult'o, after a passage of eight months, by which we have received your letter, with the inclosures, and we send you herewith a list of the passengers arrived in her.

1794.
5 March.

We are, &c.,

J. HUNSLOW.

W. RULE.

A. S. HAMMOND.

P.S.—Since writing the above we have receiv'd your letters of the 19th and 21st April and 30th May, with the papers therein mentioned.

[Enclosure.]

A List of Invalids and Passengers on board of the Kitty, transport, for their passage to England by order of Lieut't-Governor Grose.

Mr. A. P. Cranstoun, surgeon.	}	Invalids, late belonging to his Majesty's sloop Discovery.
John Williams, A.B.		
John Willis "		
John Rhums "		
George Bull, private marine.		
Mr. Henry Phillips, late carpenter of the above sloop; prisoner.		
Lieut Stephen Donovan.		
Mr. Dennis Considen, surgeon to the colony.		
Mr. Rich'd Clarke, agent.		
Will'm Farr.	}	Servants to Mr. Cranstoun and Considen, and vic-
Jos'h Buckley.			tual'd; ordered on board by the Lieut.-Governor.
Henry Barnett.	}	Late convicts, and ordered on board by the Lieut.-Governor.
John Stokoe.		
Dorothy Grey, <i>alias</i> Handland.		

[Enclosure.]

CHARTER PARTY OF THE TRANSPORT SURPRIZE.

[A copy of this document has not yet been found.]

[Enclosure.]

1794.
5 March.

BILLS OF LADING FOR GOODS PER TRANSPORT SURPRIZE.

[These are worded in the usual formula, specifying the goods detailed in Enclosure No. 1 to the despatch of the Right Hon. Henry Dundas, dated 15th February, 1794.]

UNDER SECRETARY KING TO LIEUTENANT-GOVERNOR GROSE.

(Per transport Surprize.*)

Sir,

Whitehall, 26th April, 1794.

It appears necessary to inform you that you are to observe in the Orders in Council for the transportation of the Scotch convicts, that in those cases where their sentences do not transfer their services to the contractor for their transportation, you are not at liberty to compel their services.† On the other hand, they are not entitled to any provision from the Crown without doing such service as you shall think proper to enjoin them.

I am, &c.,

J. KING.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.
(Per store-ship William; acknowledged by the Duke of Portland to Governor Hunter, 10th June, 1795.)

Sir,

29th‡ April, 1794.

I have the honour to acknowledge the receipt of your letter§ by the William, which arrived here on the 8th of March.

As all our provisions were issued from the stores about six hours before she appeared in sight, I am apprehensive that from this circumstance our situation may be represented to be more desperate than it really was. It is therefore requisite that I should inform you that our Indian corn was at that time ripe, and that the publick and private farms had yielded in such abundance as to secure us from any other distress than that of being forced to live on bread only.

The flour sent from England has been expended some months, since which time we had been wholly supplied with bread from the corn grown in the country; and I have the satisfaction to say that there is now Indian corn enough remaining in the colony to serve us with bread until our next harvest.

If salted provisions are sent, I have not a doubt but the colony will in future be able to supply itself with bread. It will, however, add greatly to our prospects of independence if, for the last time, we could receive as much as would serve for a few months.

I am perfectly aware of the consequences that might ensue if our wants were at all disguised or concealed, and any wishes of mine to see the colony in a thriving condition will not induce me

* Note 239. † Note 245. ‡ Note 248. § Note 249.

26 April.
The Scottish
political
transportees.

29 April.
Despatch.

State of the
colony.

to describe it in a more flourishing state than it is. The great assistance I have received from the civil and military officers has enabled me to do much more than could be expected.

1794.
29 April.

When Governor Phillip left this country the military officers were suffering in huts of the most miserable description. I have now the satisfaction to say they are all in good barracks.* We have three large mills at work, and you will perceive by the Surveyor-General's return that two thousand nine hundred and sixty-two acres and one-quarter of ground have been cleared during my command.

I am particular in stating what has been done since the departure of the Governor, not because I wish to arrogate any consequence or merit to myself, for very little is due to me; but because I wish to represent in the most favourable point of view the officers serving in the colony, to whose great exertions the promising appearance of it may be entirely attributed.

A brig from Bengal has called here on her way to the North-west Coast of America. From her I directed the Commissary to procure some salted meat she has brought for sale, the accounts of which purchase are forwarded by this conveyance.

The brig
Arthur.

The Dædalus is also returned from Captain Vancouver, and it is my intention to send her to the Cape of Good Hope for cattle as soon as she can be got ready for that service, that port proving, after every enquiry, more certain and expeditious than any other which had been suggested.

The Dædalus.

We have every reason to fear that the Shah Hormuzear, which was taken up for this purpose, has met with an accident. No accounts whatever have been heard of her in India since her departure from this place, and the time for which she contracted to return has expired several weeks.

The Shah
Hormuzear.

Your instructions relative to the Rev. Mr. Marsden I shall particularly attend to, and it has already been my wish to make the clergyman as comfortable as I could. I, however, have not always received the most grateful return, and was it not in pity to a large family I should represent the disorderly behaviour of the Rev. Mr. Johnson, from whom I have received treatment very unbecoming his character as a clergyman to offer, and not very consistent with my situation to put up with.

The clergy.

The order relating to all future grants of land will be obeyed.†

The number of superintendants now employed in the colony are more than specified in the list which is transmitted. None have been added to this list by me excepting William House, the master of the schooner, and as no provision was made for the commander of this vessel, I did not see in what other manner he could be provided for.

Superinten-
dents.

1794.
29 April.
Artificers'
wages.

An expense has also been incurred from the necessity of employing some of the soldiers as artificers in building the mills and officers' barracks. I have directed persons of this description so employed to receive one shilling per day, but as the purposes for which they were hired are nearly performed, it is not intended to continue them any longer than the 24th of May.

Assigned
servants.

The order respecting the servants of officers who have got grants will not be put into execution until such time as I am honoured with your further instructions. When the gentlemen were first indulged with grants I gave them ten servants each, less than that number not being equal to the cultivation of the ground allotted them. The public labour is very little interrupted by their accommodation, as nine hundred and sixty (960) acres of ground have been cleared in one year by the officers only, and as the produce of that ground has been of much publick utility, I have some hope that on this representation they may suffered to keep their convicts.

Hawkesbury
settlers.

I have settled on the banks of the Hawkesbury twenty-two settlers, who seem very much pleased with their farms. They describe the soil as particularly rich, and they inform me whatever they have planted has grown in the greatest luxuriance.

I am, &c.,
FRANS. GROSE.

[Enclosure No. 1.]

SURVEYOR ALT TO LIEUTENANT-GOVERNOR GROSE.

Sir, Sydney, New South Wales, 26th April, 1794.

In compliance with your order, I have made a survey of the land cleared since the departure of Governor Phillip, and according to the most accurate observations I can make, there appears at this time in the colony four thousand six hundred sixty-five acres and three-quarters cleared ground, of which nine hundred and eighty-two have been put into cultivation by the civil and military officers; the remainder has been cleared on the account of Government and by settlers of various descriptions. You will by this perceive, as only one thousand seven hundred three acres and an half were cleared when Governor Phillip left the country, that two thousand nine hundred sixty-two acres and a quarter have been put into cultivation during your command.

I am, &c.,
AUGUSTUS ALT.

[Enclosure No. 2.]

RETURN of Superintendants of Convicts, Storekeepers and others,
necessarily employed in His Majesty's Settlements in New
South Wales and its Dependencies, Sydney, New South
Wales, 29th April, 1794.

1794.
29 April.
Return of
superintendents

Names.	How employed.	Where employed.
Philip Divine	Superintendant of Convicts.....	At Sydney.
Thomas Clarke	do do	Parramatta.
Andrew Hume	do do attends the Delivery of Provisions.	Toongabbe.
Thomas Daveney.....	Charged with the Direction of the Con- victs employed in Cultivation, from 1st April, 1791.	do
Darcey Wentworth...	Superintendant of Convicts (<i>vice</i> Doidge), from 10th Decem'r, 1791.	Norfolk Island.
John Jamieson	Came out in the Royal Admiral; charged with the Direction of the Convicts employed in Cultivation, from 7th October, 1792.	do
Thomas Smyth	Charged with Superintending the Receipts and Delivery of Provisions, Stores, and Cloathing, from 17th Augt., 1792.	Sydney.
William Broughton...	Store Keeper	Parramatta.
Will. Neate Chapman	Store Keeper, from 10th December, 1791	Norfolk Island.
John Livingstone.....	Master Carpenter, from 1st April, 1791...	Sydney, Parramatta, and Toongabbe.
James Bloodworth ...	Master Bricklayer, from 1st Septem'r,	do do
William Peate	Came out in the Royal Admiral, Master Carpenter, from 7th October, 1792.	Norfolk Island.
Thomas Allan	Came out in the Royal Admiral, Master Miller, from 7th October, 1792.	Parramatta.
James Thorpe	Came out in the Bellona, Master Mill- wright, from 17th January, 1793.	do
Walter Brody	Came out in the Bellona, Master Black- smith, from 17th January, 1793.	Sydney.
William House	From the Chatham Armed Tender; prom- ised £40 per ann., for Navigating the Francis, Colonial Vessel, from the 1st June, 1793.	do
LATE SUPERINTENDANTS.		
Henry Edward Dodd	Died the 28th January, 1791.	
Philip Schaffer.....	Settler near Parramatta, since 30th March, 1791.	
David Burton	Died near Parramatta the 13th April, 1792.	
William Thos. Doidge	Gave up his Engagement the 10th Decem- ber, 1791, was employed at Norfolk Island.	
John Davis	Discharged the 30th November, 1792.	
Stephen Donovan ...	Discharged the 22nd December, 1792	

FRANS. GROSE.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.
(Per store-ship William.)

Sir, Sydney, New South Wales, 30th April, 1794.

30 April.

I have the honor to inclose a return of the lands which
have been granted under the seal of the territory since the 31st of
May, 1793.

I have, &c.,

FRANS. GROSE.

1794.
30 April.
Return of
lands granted.

[Enclosure.]

RETURN of Lands granted in New South Wales since the date of the last Return per Kitty.

Names of Settlers.	Description.	No. of Acres.	Place where.	Date of Grant.
Thomas Bishop	From the marines	110	On the south side the harbour, above Sydney	1 June, 1793.
John Townson	Lieut. in the New South Wales Corps	110	do	1 "
Daniel Spencer	Sentence expired	50	At the northern boundary farms	28 October, 1793.
Joseph Foveaux	Captain in the New South Wales Corps.	105	On the south side the harbour, below Sydney	2 December, 1793.
William Broughton ..	Storekeeper at Parramatta	30	On the south side the harbour, above Sydney	24 "
Shadrach Shaw	Emancipated	30	do	24 "
Henry Brower	Provost-Marshall	30	do	24 "
Richd. Hudson	Serjeant-major in the N.S.W. Corps	30	do	24 "
Richd. Tuckwell	Quarter-master-serjeant in do	25	do	24 "
Willm. Day	Serjeant in do	25	do	24 "
Joseph Radford	do in do	25	do	24 "
John Prosser	do in do	25	do	24 "
John West	do in do	25	do	24 "
John Tho. Prentice ..	Lieut. in do	100	do	24 "
Nicholas Divine	Superintendent of Convicts, Sydney	120	On the south side the harbour in the district of Bulanaming	8 January, 1794.
Paul Page	Sentence expired	30	do	8 "
Will. Jenkins	do do	30	do	8 "
James Candell	do do	30	do	8 "
John King	do do	30	do	8 "
Thomas Smith	Storekeeper at Sydney	30	do	8 "
Samuel Burt	Emancipated convict	30	do	8 "
Will. Roberts	Sentence expired	30	At the east end of the school land, Sydney	8 "
Henry Cable	do not expired	30	In the district of Petersham Hill	8 "
John Merritt	do expired	50	Four miles to the west of Parramatta	8 "
John Harris	Surgeon in the N.S.W. Corps; his former grant of 100 acres cancelled	110	In the township of Parramatta	20 February, 1794.
Robert Abell	Sentence expired	30	In the district of Bulanaming	20 "
John Jeffries	do do	30	do	20 "
Thomas Hughes	do do	30	do	20 "
John Love	Private in the New South Wales Corps.	30	At the Ponds, late in the occupation of John Richards, deceased; the grant demising to the Crown.	20 "
Thos. Filley	Sentence expired	30	At the Ponds	20 "
Augustus Alt	Land Surveyor-General	100	In the district of Petersham Hill	20 "

RETURN of Lands granted (continued).

GROSE TO DUNDAS.

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Names of Settlers.	Description.	No. of Acres.	Place where.	Date of Grant.
Walter Brody.....	Master-blacksmith	30	South side the harbour, above Sydney	20 February, 1794.
Samuel Lightfoot	Sentence expired.....	30	North side of the harbour, opposite Sydney	20 "
Daniel Kelly	Emancipated	30	In the district of Toongabbe	20 "
Saml. Wheeler	Sentence expired	30	At the Field of Mars	20 "
William Morgan	Private in the New S. W. Corps	25	On the south side the harbour, above Sydney	20 "
Chas. Westney	do	25	do do	20 "
Eleanor Frazer	Sentence expired.....	20	do do	20 "
Abra. Martin	do do	30	In the district of Prospect Hill	20 "
Joshua Peck	do do	30	do do	20 "
John Small	do do	30	At the Eastern Farms	20 "
Thos. Jones.....	do do	30	do do	20 "
James Bradley	do do	30	do do	20 "
John Palmer	Commissary	70	South side the harbour, below Sydney	20 "
John Macarthur	Lieut. in the New S. W. Corps	100	do do	1 April, 1794.
William Cummings	do	100	South side the creek, lead'g to Parramatta	1 "
Thomas Arndell	Assistant-Surgeon at Parramatta.....	170	do do	1 "
Thos. Daveney	Superint'nd't of Convicts at Toongabbe.	100	Eastward of the northern bound'y farms	1 "
And'w Hume	Superintendent; attends the deliv'y of provisions at Toongabbe.	30	In the district of Toongabbe	1 "
Lazarus Graves	Sentence expired.....	30	do do	1 "
William Smith	do do	30	One mile west'd of Parramatta	1 "
John Ramsay.....	do do	20	do do	1 "
Michl. Fitzgerald	do do	30	At the Ponds	1 "
Benjn. Carver.....	do do	30	do	1 "
Willm. Evans.....	do not expired	30	do	1 "
James Cleaver	do do	30	do	1 "
John Forrester	do expired.....	30	do	1 "
Thos. Alford	do do	30	In the district of Petersham Hill	1 "
James Young	do not expired	30	do of Bulanaming	1 "
	do do	30	do	1 "
	LEASED.			
William Patterson	Captain in the New S. W. Corps	6	Near the town of Sydney	20 February, 1794.
Joseph Foyeux	do do	30	In the district of Petersham Hill	20 "
John Townson	Lieutenant in	20	At Norfolk Island	20 "
Willm. Eggleton.....	Sentence expired.....	7	At the foot of Petersham Hill	1 April, 1794.

Sydney, New South Wales, 30th April, 1794.

FRANS. GROSE.

1794.
30 April.
Return of
lands granted.

1794.
30 April.

Of the fifty-nine grants, thirty-four were for thirty acres each, seven for twenty-five each, two for twenty acres, three for fifty acres, two for seventy acres, six for one hundred acres, two for one hundred and ten acres, one for one hundred and five acres, and one for one hundred and twenty.*

Assistant-Surgeon had seventy acres; Commissary Palmer, seventy; Lieutenant Townson, Lieutenant Prentice, Lieutenant Macarthur, Lieutenant Cummings, Land-Surveyor Alt, and Superintendent Daveney had one hundred each; Captain Foveaux had one hundred and five on the south side, below Sydney; Surgeon Harris, and Bishop of the marines, had one hundred and ten; Superintendent Divine had one hundred and twenty.

Provost-Marshall Brewer had fifty above Sydney; Storekeeper Broughton, thirty; Serjeant-major Hudson, thirty; Storekeeper Smyth, thirty; Serjeants Day, Radford, Prosser, and West, twenty-five each; Quartermaster-serjeant Tuckwell, twenty-five; Master-blacksmith Brady, thirty; private soldiers, emancipists, and sentence-expired men make up the rest.

Leases were granted—to Captain Paterson, of six acres near Sydney; to Captain Foveaux, of thirty acres at Petersham Hill; and to Lieut. Townson, of twenty acres at Norfolk Island.

FRANS. GROSE.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.†
(Per store-ship William.)

Sir, Sydney, New South Wales, 3rd May, 1794.

3 May.
Request for
leave of
absence.

On the departure of Governor Phillip, I requested him to represent to you that, from wounds I had formerly received in the service,‡ I had reason to fear that some precautions were requisite to be taken on my account. My apprehensions on this occasion I had the honour to communicate to you by letter, to the which it so happens I am not gratified with any reply. It now becomes necessary that I should again state to you that I am so very much teased in the hot weather with the breaking out of my wounds that I feel I cannot in safety hazard the event of another summer.

I have therefore to entreat you will be pleased to take such steps as you may judge necessary in case of my absence from the colony, it being my intention to return by the first opportunity, in doing which I trust I shall be able to give a satisfactory account, and sincerely hope and believe that no inconveniences whatever will ensue, the officers left behind being every way as anxious and capable to discharge any duty assigned to my care as I am myself.

I am, &c.,

FRANS. GROSE.

THE RIGHT HON. HENRY DUNDAS TO GOVERNOR HUNTER.*

1794.
1 July.

(Despatch marked No. 1.)

Sir,

Whitehall, 1st July, 1794.

Inclosed I transmit to you his Majesty's instructions, bearing date the 23rd of June, 1794, and for your further guidance and direction in carrying the same into execution, as well as in respect of other particulars, they are accompanied with copies of my letters to Lieutenant-Governor Grose, dated the 30th of June and 15th of November, 1793, and the 15th of February, 1794, with their several inclosures, and you will not fail to conduct yourself in conformity to the orders they contain.

Instructions
to Hunter.

That article of his Majesty's instructions which relates to supplying the settlement with live stock is of the first importance, and demands your most immediate and most earnest attention, and you will, therefore, lose no time in exercising the discretion thereby vested in you for the speedy and effectual execution of the same. The expences to be incurred in the purchase of such live stock must be defrayed by bills drawn on the Lords Commissioners of the Treasury, by the officer or officers commanding the ship ordered on this service, who, in the execution thereof, should be directed to proceed with the strictest economy, and to transmit to the Lords of the Treasury proper receipts and vouchers, in support of the bills they may draw. With the same view of increasing the number of live stock in the settlement, you will strictly enforce that part of his Majesty's instructions which prohibits settlers of every description from alienating or slaughtering without your consent the live stock which is granted to them, it being so granted, not merely for their own particular advantage, but with a view to the general increase of cattle throughout the settlement. This is the more necessary as I observe from Lieutenant-Governor Grose's late despatches received by the Kitty† that the settlers have sold all the sheep that were distributed amongst them by Captn. Phillip previous to his departure from the settlement. In order to avoid the dissipation of them by the settlers, as apprehended by Lieutenant-Governor Grose, they should have been taken from the individuals the moment they evinced such a disposition, and should have been instantly added to the public stock, the conditions under which they were given not being complied with on their parts. At the same time, in order to encourage the rearing of stock, it will be of mutual service both to the settlers and the settlement, that you should purchase for the Crown, at a reasonable price, the spare cattle of such settlers as have so increased their stock as to allow of their selling a part of it; but if their stock is not so increased,

To import
live stock.To conserve
live stock.

* Note 253. † Note 254.

1794.
1 July.

Fish to be
cured.

Instructions
re issue of
spirits.

The medical
staff.

Lieutenant
Macarthur's
appointment.

the sale of it must, in fact, reduce them a second time to a state of dependance on the public stores for their subsistence, which should always be guarded against.

You are likewise to pay immediate attention to the curing of fish, to which object you are particularly called by his Majesty's instructions, and you will, of course, give such aid and encouragement to John Boston, a settler, who is gone out in the *Surprize*, transport, for this particular purpose, as may enable him to succeed in so important an undertaking as the curing of fish. Such fish as shall be cured on the public account you will, as frequently as circumstances will permit, serve out as rations in aid of the salted provisions sent from Home.

In answer to such parts of Lieutenant-Governor Grose's letters, dated the 9th of January and 16th of February, 1793, as require instructions, whether the non-commissioned officers and privates were to be charged the prime cost for the spirits issued to them, and likewise how the money arising from the sale of spirits, and of the wine and tobacco sent from hence for the use of the settlement, should be disposed of, I have only to refer you upon the first of these points to my letter to Governor Phillip of the 14th of July, 1792, of which I enclose you an extract, by which you will see that the men as well as the officers are to be charged with the prime cost of those articles which were sent out for their use and convenience; and the same is, of course, to be understood of the spirits purchased on the spot, and afterwards issued to them.

As to the second point, viz., "How the money arising from such sales is to be disposed of," it is hereby left to your discretion either to apply the same in the purchase of cattle for the public stock, or in defraying the salaries of the civil officers of the settlement, taking care in either case that in the accounts transmitted to the Lords of the Treasury credit be given for the money so disposed of.

As you will observe by the copy of my letter to Lieutenant-Governor Grose, dated the 15th of November last, which is enclosed, that Mr. Thomson, who is gone out in the *Surprize*, is appointed assistant-surgeon in the room of Mr. Arndell, and that Mr. Leeds, who will sail in one of his Majesty's ships now fitting out for New South Wales, will follow in that capacity to fill up the vacancy occasioned by the departure of Mr. White, who has requested and obtained leave of absence, it is impossible that Mr. Laing, surgeon's mate in the New South Wales Corps, can be continued as assistant-surgeon, as proposed by Lieutenant-Governor Grose.

Should it be found expedient to continue Lieut. Macarthur or any other person in the employment in which Lieut.-Govr. Grose

has placed that gentleman, you are at liberty to make him such compensation as you may think reasonable, either by making him a grant of land, or by allowing him the services of an additional number of convicts; but you are on no account to increase the number of officers as established by the enclosed Parliamentary estimate for the current year, as no salary or allowance can be paid in consequence of any appointment or office constituted by you, or the Governor for the time-being, without his Majesty's pleasure being first signified in that behalf.

1794.
1 July.

With respect to Mr. Brodie, whom Lieut.-Govr. Grose has appointed to act as a superintendant, I must refer you to my letter to Governor Phillip of the 14th July, 1792, by which you will perceive that Mr. Brodie went out as a settler; he cannot therefore, consistently with the directions above mentioned, be any longer continued in the capacity of superintendant. I herewith also enclose you a printed copy of an Act of Parliament, passed this session, for establishing a Criminal Court of Judicature in Norfolk Island, similar to that in the settlement of New South Wales. You will observe that the Act requires that four officers at least should be present to compose the court, inclusive of the Deputy Judge-Advocate and the Lieutenant-Governor, and you will therefore take care that four officers are generally resident in that island.

Superintendent
Brodie.

I approve, upon the whole, of the contract made by Lieutenant-Governor Grose with Mr. Bampton, owner of the Shah Hormuzear, for bringing cattle and provisions from Bengal, as it tends to the more speedy increase of the live stock, the only means of effectually lessening the enormous expence created by the settlement in its present state.

I take this opportunity of informing you that all bills drawn in the settlement for public purposes should be drawn by the Governor for the time-being, and by no other person; and that in every requisition made for provisions or stores the quantity or number wanted should always appear opposite to each article, with returns of what remains in the colony of each article so demanded, and that in a separate column.

Finance.

HENRY DUNDAS.

[Enclosure No. 1.]

HUNTER'S INSTRUCTIONS.

[A copy of this document is on pages 520-527.]

[Enclosures Nos. 2, 3, 4, 5.]

[The despatches of the Right Hon. Henry Dundas to Lieut.-Governor Grose have already been printed, as also the extract of the despatch to Governor Phillip, dated 14th July, 1792.]

[Enclosure No. 6.]

1794.
1 July.

ACT FOR ESTABLISHING A CRIMINAL COURT IN NORFOLK ISLAND.

[*This is the Imperial Act, 34 Geo. III, Cap. XLV.*]

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per American ship *Halcyon*, *viâ* China; acknowledged by the Duke of Portland to Governor Hunter, 10th June, 1795.)

5 July.

Sir, Sydney, New South Wales, 5th July, 1794.

I have the satisfaction to inform you of the safe arrival of the Indispensible and Speedy, storeships, and the honour to acknowledge the receipt of your letter of the 15th November, 1793.

Flour supplies.

The flour brought by these ships is the last that it will be necessary to send, the colony being fully equal to supply itself with that article in future, even if we should be disappointed in receiving what I am taught to expect by the vessels that are about to follow.

Importation
of cattle.

The only difficulty remaining to encounter is the bringing of stock, in the conveyance of which from the places pointed out to collect them I fear it has not been considered that the cattle are wild, and that the circumstance of inducing cattle to feed at sea that are not reconciled to a stall is not very readily accomplished. I could have wished it had been determined to fetch them from situations where they were more likely to be domesticated; and it would be a saving to Government was it ordered that any stock brought on the public account was immediately sold by auction; the expenses would in that case be nearly, if not entirely, refunded, and the intention of stocking the country much sooner effected. The public stock never has yet, and I fear never will, either thrive or increase so fast as that in the possession of private persons, nor are any exertions I can use equal to force that care for the public which the individual is induced to make for his own advantage.

Return of
Britannia.

The *Britannia*, storeship, having by a variety of accidents been driven from the port to which she was directed, has returned to the colony with a cargo from Batavia instead of Bengal.

The articles she brings are in great perfection, and are evidently, particularly the rice, of a very superior quality to any that was received by the Atlantic.

I consider myself unfortunate in the engagement I made with this ship, for although the situation of the colony at the time she was taken up, I trust, will fully justify that measure, I should have been more contented if her return had not been subsequent to the arrivals from England, the which had done away every appearance of distress before she came in.

Transactions
at Batavia.

The master's particular account of the voyage, and the cause of her being driven to Batavia, has been already forwarded from

that place with Captain Nepean; an account of his correspondence and transactions there I have now the honour to enclose you, together with a copy of his letter to me on his arrival here.

1794.
5 July.

The *Dædalus*, being refitted, is loading for Norfolk Island with such stores and provisions as are wanting. The danger in this passage of losing both the ship and her cargo is a business always to be dreaded. I never discovered the advantages proposed from the possession of the island; there is not herbage sufficient to feed cattle of any description, consequently the probability of the inhabitants being ever able to maintain themselves is out of the question. The progress of this settlement has been greatly interrupted by sending working people there whose labour could have been better employed here, and sooner or later some unpleasant consequence will certainly attend the conveyance of supplies to it.

Disadvantages
of Norfolk
Island.

The settlers placed on the banks of the Hawkesbury are doing well, their farms having at this time all the appearance of most luxuriant crops. The overflowing of the river, so very much apprehended, and on which account the settlers did not wish to be placed there, appears to be without foundation. This is universally acknowledged to be the most rainy season that has ever been experienced in the colony, and the river has but little exceeded in any parts its natural limits.

The settlement
at the
Hawkesbury.

I have instructed the Commissary by this conveyance to state the particular disposal of the spirits purchased from the *Hope*, and of the spirits and wine sent from England. By reference to my former letters you will perceive that the spirits bought from the *Hope* were directed to be sold for the purpose of liquidating the expenses incurred by that purchase, and to cover any losses that might be sustained, either by waste or leakage; and that a sum equal to the original expence might be produced from the sale of it, I ordered the Commissary to charge sixpence per gallon more than it cost, and the surplus of this sale he will now give credit for in his account with Government.

I enclose to you a return of the live stock in the colony, and duplicates of my despatches by the *William*.

Amongst the buildings that have been erected since the departure of Governor Phillip, a church has been built that will contain congregations of three hundred persons. I mention this circumstance particularly, because I am given to understand that the Revd. Mr Johnston, who is really a most troublesome character, has endeavoured to persuade the Archbishop of Canterbury that ecclesiastical matters are not at all attended to, and that there is no place for public worship excepting a building put up at his own expence.*

A church.

I have, &c.,

FRANCIS GROSE.

* Note 241.

1794.
5 July.

[Enclosure No. 1.]
ACCOUNT OF CAPTAIN RAVEN'S TRANSACTIONS AT BATAVIA.
[A copy of this enclosure has not yet been found.]

[Enclosure No. 2.]
CAPTAIN RAVEN TO LIEUTENANT-GOVERNOR GROSE.

Britannia, off Port Jackson,
1st June, 1794.

Captain
Raven's report.

Sir,

I beg leave to inform you that I have been prevented from putting the orders into execution which I received from you previous to my sailing from Port Jackson. I had proceeded on my passage to Bengal so far [as] the eastern entrance of the Straits of Malacca, and was there engaged for six hours by a fleet of proas armed and full of men, when, after having nearly expended all our powder, the pirate obliged me to relinquish that passage. I arrived at Batavia on the eleventh of February, and there received information that French privateers were so numerous that a passage to Calcutta could not be effected without the greatest hazard of falling into their hands. Under these circumstances, I addressed the Governor-General and Council of Batavia, and after various correspondence I obtained permission to load the ship with provisions from the Honorable the Dutch East India Company's stores, with which I am now arrived, and I hope in excellent condition. The invoice of the cargo, all letters and papers relating to this transaction, I hope to lay before you immediately after the ship comes to an anchor. I hope, sir, that you will approve of what I have done, and that it will appear evident to you that I have consulted the good of his Majesty's service rather than the interest of the ship.

I am, &c.,
W. RAVEN.

[Enclosure No. 3.]
AN Account of Live Stock in his Majesty's colony in New South Wales, the 1st of July, 1794.

	Horses.		Asses.		Oxen.		Sheep.		Goats.	
	Mares.	Stallions	Male.	Female.	Bulls.	Cows.	Ewes.	Rams and Wethers.	Female.	Male.
Government Stock	6	6	..	..	14	18	59	49	10	3
Private do	5	3	2	1	1	7	257	161	342	167
Total	11	9	2	1	15	25	316	210	352	170

JNO. PALMER, Commissary.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

20th August, 1794.

1794.
20 Aug.*[A copy of this despatch has not yet been found.]*

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per ship Britannia to the Cape of Good Hope, and thence to England; acknowledged by the Duke of Portland to Governor Hunter, 10th June, 1795.)

Sir, Sydney, New South Wales, 30th August, 1794.

30 Aug.

At the desire of Captain King, I forward a packet he sends me from Norfolk Island, by which he intends to explain some circumstances that have lately occurred there.*

Reports from
Norfolk Island.

As whatever has happened is very fairly and exactly stated by this officer, I shall not myself say anything on the subject, excepting that I am well assured he will be much mortified should it appear to you he has acted improperly; and as my letter to Lieutenant-Governor King, of which you receive from him the copy, was written at a time when the situation of the colony did not wear the most pleasing aspect, it may, in some degree, account for my having expressed myself in such severe terms to an officer of whom I should be exceedingly sorry if any unfavourable conclusions were drawn from anything I felt it my duty at that time to say.

I have, &c.,

FRANS. GROSE.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per ship Britannia to the Cape of Good Hope, and thence to England; acknowledged by the Duke of Portland to Governor Hunter, 10th June, 1795.)

Sir, Sydney, New South Wales, 30th August, 1794.

By the return of the colonial vessel from Norfolk Island, it is reported to me by Lieutenant-Governor King, that in order to alleviate the distresses of this settlement, in case we should be disappointed in our supplies from England, he had deemed it expedient to purchase from the settlers the whole of their first crop of Indian corn, amounting to eleven thousand four hundred and seventy-six bushels. To liquidate this expence, he has given bills on the Commissary, which are now offered for my approval.

Approval of
purchase of
grain withheld.

The great quantities of Indian corn raised within this settlement, and the supplies we have received by the Speedy and Indispensable, storeships, have rendered this precaution of Captain King quite unnecessary; I must, however, observe that in this transaction Captain King has been guided by the former orders of Governor Phillip, who, I understand, has promised the

1794.
30 Aug.

settlers to receive into the public stores whatever grain they might have to dispose of, fixing the price at five shillings the bushel.

As, notwithstanding those circumstances, I do not feel safe in giving my approval to the bills, the sum of £2,843 4s. will of course remain unpaid until your directions on this subject are received.

You will suffer me to point out that if the settlers have not a market for their corn they will never again attempt to raise more than as much as is sufficient for their own consumption, and I have no doubt but that in that case most of them will be induced to leave the country.

I feel exceedingly how unwelcome this business must prove to Lieutenant-Governor King, who will certainly appear to have broken his faith with the settlers, and whose consequence amongst them is much injured by my objections to any measure he has thought prudent to adopt.

I shall hope as early as possible to be honoured with such instructions on this head as will serve as a guidance for myself, and for the guidance of those who hereafter may succeed me in this Government.

I am, &c.,

FRANS. GROSE.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.

(Per ship *Britannia* to the Cape of Good Hope, and thence to England; acknowledged by the Duke of Portland to Governor Hunter, 10th June, 1795.)

31 Aug.

Britannia
chartered by
officers.

Sir, Sydney, New South Wales, 31st August, 1794

The *Britannia*, storeship, being dismissed from the employ of Government, was immediately engaged by the civil and military officers for the purpose of purchasing a variety of stores they stood in need of, but with the particular view of fetching cattle from the Cape of Good Hope.

Messrs. Kent and Bell, the naval agents, who came out in the Sugar-cane and Boddingtons, transports, are instructed to take their passage by this conveyance, it being the first opportunity that has offered of their returning to England, unless a considerable expense had been incurred by their taking the route of India.

The *Shah*
Hormuzear.

The ship *Shah Hormuzear*, which I had reason to suppose was either lost or taken, arrived safely at Bombay, having performed a voyage of considerable difficulty and danger through the straits which separate New Holland from New Guinea.

Mr. Bampton, her master, who had contracted to supply the colony with a quantity of oxen, has dispatched a small vessel* to me in order to communicate the cause of his delay, and, further, to inform me of his being at this time preparing to complete his agreement.

1794.
31 Aug.

Captain
Bampton's
contract.

The settlers placed on the banks of the Hawkesbury, being seventy in number, are doing exceedingly well. The ground they have already in cultivation has all the appearance of bearing better wheat than has yet been grown in the colony.

The
Hawkesbury
settlers.

I have caused a very good road to be made from Sydney to the banks of the Hawkesbury, by the which we discover the distance from this place by land is much less than was expected. An officer who is by no means considered as being particularly active undertook for a trifling wager to walk there from Sydney in nine hours, and with great ease to himself performed a journey in eight hours and two minutes which formerly required an exertion of some days to accomplish.

Road to the
Hawkesbury.

The gentleman† who will have the honour to deliver you the dispatches has spent several months in the colony. To him I beg to refer you for a particular account of our situation, the which he can inform you has all the appearance of plenty.

I have directed the Commissary to keep his accounts according to the form you have pointed out. He states to me that many difficulties will arise for the want of stationary. His letter to myself on that subject I have herewith enclosed.

I have, &c.,
FRANS. GROSE.

[Enclosure.]

COMMISSARY PALMER TO LIEUT.-GOVERNOR GROSE.

Sir, Sydney, August 29th, 1794.

The Business of keeping the Accounts of the Colony having very much increased from the extensive Settlements that are made, and from the late Order I have received from you, directing in what manner the Accounts are to be kept in future; I beg leave to Represent to you that it is impossible for me to procure here the Stationary that will be necessary to keep such Accounts, I have therefore to request you will be pleased to represent the same to the Right Honorable the Lords Commissioners of His Majesty's Treasury in order that they may be pleased to direct Stationary to be sent for that purpose.

I have, &c.,
JNO. PALMER, Commissary.

1794.
10 Dec.

LIEUT.-GOVERNOR GROSE TO THE RIGHT HON. HENRY DUNDAS.*

(Per transport Surprise.)

Sir, Sydney, New South Wales, 10th December, 1794.

Despatches.

I have the honor to receive your despatches by the Surprise,† and to report to you the arrival of the Resolution and Salamander, storeships.

Condition of
cargo.

The cargo brought in the Surprise was landed in very good condition, but the Salamander and Resolution have been so very leaky that almost every article brought by those ships is damaged.

Grose's
departure.

A copy of the survey taken on this cargo I forward by this conveyance; the welcome intelligence of Captain Hunter's appointment, and his immediate departure from England, I am also favoured with. This appointment having taken place, I feel I can consistently leave the colony; and I trust, on my arrival, I shall be able to convince you that this measure has not been wantonly adopted, and that my frequent letters on this subject have not been without severe causes.

Captain
Paterson
in charge.

Until the arrival of Captain Hunter, which I suppose will be but a short space of time, the commanding officer of the New South Wales Corps (Captain Paterson), by virtue of his military commission, will succeed to the command of the colony. Although this officer is every way as well qualified for the duty he is left to execute, as any other person can be, I repeat it is from necessity only that the event has happened, and of that necessity there shall be no difficulty on my part to manifest.

The store-ship
Dædalus.

The Dædalus having conveyed a sufficient supply to Norfolk Island, and the ships coming out with Captain Hunter being taken up for the purpose which the Dædalus was originally intended for, she is, of course, no longer wanting in the country. I have therefore ordered her home, and propose, with my family, to take a passage by this conveyance.

Our wheat harvest is over. The produce is considerable, and the Indian corn, at present, has the appearance of plenty.

Deputy
Commissary
appointed.

Mr. Freeman, the Deputy-Commissary, having died on the 2nd day of November, I appointed Mr. Thomas Laycock, the quartermaster of the New South Wales Corps, to the situation held by Mr Freeman. As this gentleman is every way capable of the employment he has undertaken, I have to hope, in consideration of his large family, he may be suffered to continue.

I am, &c.,

FRANCIS GROSE.

[Enclosure.]

SURVEY OF STORES ON SALAMANDER AND RESOLUTION.

1794.
10 Dec.

8th October, 1794.

PURSUANT to an order from his Honor Francis Grose, Esq., Lieutenant-Governor in and over his Majesty's territory of New South Wales and its dependencies, &c., &c., &c. Survey of stores.

WE, whose names are hereunto subscribed, have taken a strict and careful survey on the provisions and cloathing landed from the Salamander and Resolution, storeships, and find as follows. viz.:—

From the Salamander.

Flour, 4,928 lb.; wet, rotten, and stinking; occasioned, in our opinions, by a continuance of wet on the passage out.

Pease, 180 bushels; wet, mildewed, and unfit for men to eat; occasioned, in our opinion, by a continuance of wet on the passage out.

From the Resolution.

Flour, 3,024 lb.; wet, rotten, and stinking; occasioned, in our opinions, by a continuance of wet on the passage out.

Molasses, 1,006 lb. deficient, which appears to have leaked out of the heads of the casks, owing to the heat fermenting it on the passage out.

In bales, Nos. 186, 101, 86, 144, 169, 131, 108, 119, 111, 113, and 5 bales Nos. defaced; 320 jackets rotten and useless, and 83 jackets damaged, but repairable; 121 waistcoats damaged, but repairable; 150 pairs of breeches rotten and useless, and 44 pairs of breeches damaged, but repairable; and 9 petticoats rotten and useless; occasioned, in our opinions, by a continuance of wet on the passage out.

And we do further declare that we have taken this survey with such care and equity that (if required) we are ready to make oath to the impartiality of our proceedings.

Given under our hands, at Sydney, New South Wales, this 8th day of October, 1794.

JAS. BAIN.*
JNO. HARRIS.
THOS. LAYCOCK

* Note 260

DESPATCHES
TO AND FROM ENGLAND
DURING THE
ADMINISTRATION OF CAPTAIN WILLIAM PATERSON.

LIEUTENANT-GOVERNOR GROSE embarked on board the store-ship "Dædalus" on the 15th December, and sailed on the 17th December, 1794. The government of the territory thereupon devolved upon Captain William Paterson, as Administrator, by virtue of the penultimate clause of Governor Phillip's commission (see p. 8), he being the senior military officer on service at the settlement, owing to the departures of Captain Nepean on the 8th September, 1793, and of Captain Hill on the 24th April the same year. The oaths of office were taken by Captain Paterson on the 25th December, 1794, and he administered the government until Governor Hunter assumed office on the 11th September, 1795, four days after his arrival in Port Jackson.

DESPATCHES

DECEMBER, 1794 TO SEPTEMBER, 1795.

CAPTAIN PATERSON, ADMINISTRATOR, TO THE RIGHT HON. HENRY
DUNDAS.

1795.
21 March.

(Per ship Experiment, *viâ* India; acknowledged by the Duke of
Portland to Governor Hunter, 8th June, 1796.)

Sydney, New South Wales,
21st March, 1795.

Sir,

I have the honor of informing you that Lieutenant-Governor Grose sailed from hence for England in the *Dædalus*, transport, on the 17th of last December, leaving me in the direction of his Majesty's settlements in this part of the world, and taking with him, as you will perceive by the enclosed copy of his last despatch to you, the Rev. Mr. Bain, Mr. White, and Mr. Laing.*

Departure of
Lieutenant-
Governor Grose.

Having reason to expect the arrival of Governor Hunter daily, I have made no alteration in the mode of carrying on the service which I found adopted at the Lieut.-Governor's departure, and have, consequently, little else to report than the present state of the colony.

Our wheat harvest did not prove very abundant, but I have the satisfaction to say that the Indian corn has every appearance of being very productive; from the accounts which I have been able to collect, I conclude there will be a very considerable quantity of that article to receive into store this season, from settlers and others, and of what has been raised on account of Government.

The harvest.

* Note 261.

1795.
21 March.
Rations.

The flour being nearly expended, I have decreased the ration of that article, and substituted Indian corn in lieu, which is now sufficiently ripe for use, and which I have directed the Commissary to purchase from settlers and others at five shillings per bushel.

The ship
Experiment.

The Experiment, a small vessel, arrived here in the month of December last, from Bengal, with some articles of trade on speculation. From the master* I received an account that a large ship had sailed from Bombay, in July last, freighted with cattle and other articles, in pursuance of the contract entered into between Mr. Bampton and the Crown (already reported to you by Lieut.-Governor Grose), which ship was, unfortunately, lost soon after her departure from Bombay,† but of this untoward accident no advice has been sent by Mr. Bampton, and, notwithstanding the time which has since elapsed, I still hope we may derive every benefit from it which Lieut.-Governor Grose had in view when he entered into the contract for the cattle.

Horses from
the Cape.

The Britannia, which had been engaged by the officers of the settlement to procure cattle and other articles for them at the Cape of Good Hope, returned from thence on the 4th instant. Out of forty-one horses which were put on board, thirty-three survived the voyage, and are likely (two excepted, which died soon after they had landed) to prove a valuable addition to the stock in the country. The master having some wine and spirits for sale, I have purchased a small quantity of the wine for the use of the hospital, and of the spirits for the people belonging to the schooner.

Examination of
Port Stephens.

Wishing to obtain some information which I could depend upon respecting the harbour of Port Stephens (thirty leagues to the northward of this place), I sent the colonial vessel thither, under the direction of Mr. Grimes, the Deputy-Surveyor. He remained in it about a week, and from his report, I have no reason to conclude it will ever be necessary to send a second time to it.

The settlement
at the
Hawkesbury.

The colonial vessel had been for some time previous to her sailing to Port Stephens employed in supplying the settlers on the banks of the Hawkesbury with provisions. I have caused a small store to be erected there, and have placed Baker, the superintendent, who arrived here in the *Surprize*, in the care of it, with a small guard for its protection.

* Note 262.

† Note 263.

I have directed the Commissary to draw bills on the Right Honorable the Lords Commissioners of his Majesty's Treasury for the sum of four thousand two hundred pounds, to pay for the grain which has already been purchased this year, and for other incidental expenses, the accounts of which he will transmit by the earliest conveyance after this.

1795.
21 March.
Finance.

I have the honor to enclose the Commissary's return of the provisions remaining in store, together with a state of the settlements at this period, by which you will perceive the want we are likely to feel in the article of salt meat, unless some supplies should arrive.

A vessel that has been for some months here awaiting the arrival of Mr. Bampton anchored here the 15th instant from the river Thames in New Zealand. I understood her people have been employed in cutting spars to freight whatever ship Mr. Bampton should bring or send here with the cattle, and that in the performance of this business, although but a brig of one hundred and fifty tons, no interruption or molestation whatever was given by the natives.*

Vessel from
New Zealand.

On the banks of the Thames the flax-plant was found growing in the greatest abundance and luxuriance, and any quantity of it might have been procured for a few pounds' worth of iron.

I shall not fail to communicate the circumstance to Governor Hunter on his arrival.

This vessel in her way hither touching at Norfolk Island, some letters were received from Lieut.-Governor King, a copy of which I have the honor to inclose for your information.

I have permitted the master of the Experiment to take with him a cargo of mahogany and cedar of this country, in the hope that if it should prove valuable in India it may be of advantage to his Majesty's interest in any future intercourse with that country which may be directed by Government.

Export of
timber.

I have, &c.,
W. PATERSON.

[Enclosure No. 1.]

[A copy of Lieutenant-Governor Grose's last despatch has not yet been found.†]

* Note 264. † Note 261.

STATE of the Settlements at Sydney, Parramatta, &c.—continued.

Time and Settlements.

Time and Settlements.	Free People.		Settlers from.		Emancipated.		Convicts.	Children above 10 years of age.		Children under 2 years of age.		Orphans on full ration.		Natives victual'd from the Public Stores.		Number on the different rations.				Numbers victual'd from the Public Stores.	Whole number at Full Ration.	Numbers in the Settlements.	Weeks' Provisions in Store at the established Ration.	
	Men.	Women.	Children.	Free People.	Convicts.	Men.		Women.	Men.	Women.	Whole.	Two-thirds.	Half.	Quarter.										
March 19, 1795.	24	23	...	5	12	12	2	724	316	...	60	70	9	5	1,128	399	111	97	1,735	1,473½	1,771	{ 24 }	Weeks. Days.	
Sydney	9	8	...	3	41	10	2	739	196	...	28	56	6	...	890	221	35	64	1,210	1,070½	1,232			Weeks. Days.
Parramatta and Toongabbe	...	...	...	5	94	...	1	62	42	...	8	13	...	...	272	45	8	13	338	309¼	385				Weeks. Days.
Hawkesbury	29	2	9	25	43	2	...	431	183	3	63	74	...	...	412	121	48	56	637	531	946	Weeks. Days.		
March 4, 1795.																							{ 125 }	Weeks. Days.
Norfolk Island																								

JNO. PALMER, Commissary.

1795.
21 March.

State of the
settlements.

1795.
5 May.

UNDER SECRETARY KING TO GOVERNOR HUNTER.

(Per transport Marquis Cornwallis; received by Governor Hunter,
11th February, 1796.)

Sir,

Whitehall, 5th May, 1795.

Estimates.

The House of Commons having voted the sum of £5,241 for the civil establishment of the settlement of New South Wales, from the 10th of Octr., 1794, to the 10th Octr., 1795, I send you inclosed, by the Duke of Portland's direction, a copy of the estimate upon which the grant is founded, for your direction in the application thereof.

I am, &c.,

J. KING.

[Enclosure.]

[*A copy of these estimates has not yet been found.*]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch No. 1, per transport Marquis Cornwallis; acknowledged by Governor Hunter, 28th April, 1796.)

Sir,

Whitehall, 10th June, 1795.

10 June.
Despatches.

I have received and laid before the King the letters from Lieut.-Governor Grose, mentioned in the margin,* and two letters from Lieut.-Governor King, of the 19th March, 1794, together with their respective enclosures.

The particular instructions which you received previous to your departure from hence, for the regulation of your conduct in every particular, render it unnecessary for me to be so minute in answering the letters now before me as would otherwise have been requisite.

Results of
farming
satisfactory.

It gives me great pleasure to find that the quantity of land already under cultivation produces more grain than is sufficient for the consumption of the settlement, and particularly so, as the naturally increasing proportion of that cultivation must be fully equal to the supply of the additional number of convicts, which from time to time may be expected to arrive from hence. The return, too, of the live stock is far from unpromising. The

* April 30th, July 5th, August 20th, August 30th, August 31st, 1794.

1795.
10 June.

supply which (from what is stated in Lieutenant-Governor Grose's letter of the 31st of August last) may be expected by the ship *Shah Hormuzear*, with the means of procuring further supplies, to be adopted under your instructions, will, I have no doubt, in a very short period place the settlement in such a condition as will, with respect to live stock as to grain, render it totally independent of this country. I am, at the same time, sorry to observe that the amount of the public live stock and cultivated ground bears by no means that proportion to the private which might be expected from the nature of the case and the number of convicts employed, whose labour should be considered as the property of the public by whom they are supported; and herein I must observe that the directions contained in Mr. Dundas's letter to Lieutenant-Governor Grose of the 30th of June, 1793, directing certain regulations to be adopted with regard to the number of convicts to be allowed to officers, as such, and the conditions under which any greater number should be allowed them, did not admit of any discretionary construction on the part of the Lieutenant-Governor, and consequently they have been improperly deferred. Besides, the reasons assigned by Lieutenant-Governor Grose for deferring them are insufficient and erroneous,* since nothing can be more self-evident than that the public will be most benefited, either when the convicts, fed by the public, are employed on its account, or when employed for and on account of the individual, they are fed by that individual, and taken from the public stores. I must here observe that Lieutenant-Governor Grose states† that Norfolk Island not producing herbage sufficient for the maintenance of any species of live stock, must always be dependent on the mother country or on New South Wales for salt provisions. Should this be the case, you will be particularly on your guard not to burthen that settlement with a greater number of convicts than can subsist themselves on the island, without a perpetual recourse to this country or to New South Wales.

Assigned
servants.

As the conduct of Lieut.-Governor King, in purchasing, as stated in Lieutenant-Governor Grose's letters of the 30th of August last, eleven thousand four hundred and seventy-six bushels of Indian corn, appears to have arisen from good motives, you will, thro' him, make the best terms you can with the owners. It is certainly proper and necessary to purchase from individuals what is wanted for the public stores, yet it is equally so that the purchase should be at the market price, and it cannot be expected what was given when the commodity was scarce

King's purchase
of corn.

* Note 265. † Note 266.

1795.
10 June.

should continue to be given when it becomes more abundant; and this circumstance makes me conceive that Governor Phillip could never have meant to fix a standing price for what must vary and fluctuate every year.

Lieutenant-Governor King's conduct.

I have maturely considered the statement made by Lieutenant-Governor King of the transactions in Norfolk Island, referred to in Lieut.-Governor Grose's letter of the 30th August, and I am far from imputing to Lieut.-Governor King any degree of blame which calls for serious reprehension. What I most object to is, his quitting his government and departing with the New Zealanders in the *Britannia*, without previous communication with Lieut.-Governor Grose.*

Mutinous detachment of N.S.W. Corps.

With respect to the mutinous detachment that was sent from the island,† I am truly sorry to observe that their conduct was such as to merit much severer treatment than it met with. The source of their disorderly conduct and of their disobedience clearly arose from their having been improperly permitted to mix and interfere with the other inhabitants, but particularly with the convicts, from whom, as their situation and their duties are perfectly separate and distinct, so should their conversation and connections. The best proof I can receive that both the one and the other are properly governed, will be that matters of dispute seldom arise between them, and for this plain reason, because they should neither of them ever be in the way of it. But whenever such disputes do arise, strict and impartial justice must decide between the parties, for whoever misconducts himself must be considered as losing all title to preference or distinction from being of a different class or description.

I have thought it necessary to express my sentiments more fully on this subject, because I am inclined to think that the General Orders of Lieut.-Govr. Grose, dated 25th February, 1794, transmitted to Lieut.-Governor King, must have been hastily conceived on the pressure of the moment, and without due attention to the principle I have above mentioned, and which in the distribution of justice should never be lost sight of.

I am of opinion it would be better, whenever such disputes arise, which I trust will be very rarely, that the complaint in the first instance should always be guided by and follow the nature and description of the person.

Thus, if a convict, or any civil person, is complained of, the complaint should be to the Governor, or the nearest magistrate; if a military person, to the Commander-in-Chief, or nearest officer, as the case may require.

You will receive this by the Marquis Cornwallis, transport, which takes from Ireland one hundred and sixty male and forty female convicts, with nine months' provision for them after their arrival, and the articles mentioned in the enclosed list, for the use of the settlement.

1795.
10 June.

Convicts *per*
transport
Marquis
Cornwallis.

You will likewise receive by this conveyance his Majesty's commission for establishing a Court of Criminal Jurisdiction in Norfolk Island; and Mr. Hibbins, the Judge-Advocate for Norfolk Island, if not already sailed, is ordered to take his departure in the Marquis Cornwallis.

Criminal court
for Norfolk
Island.

Another transport is expected to sail from hence in the course of the month of July, in which it is proposed to send the supplies specified in the within list.

An additional quantity of common stationary will be sent, either in the Marquis Cornwallis or the transport which is to follow, for the use of the Commissary, Mr. Palmer, in keeping his accounts in the manner in which he has been directed, which must be strictly adhered to.

I am, &c.,

PORTLAND.

[Enclosure.]

INVOICE OF STORES PER MARQUIS CORNWALLIS AND SECOND
TRANSPORT.

[A copy of this document has not yet been found.]

CAPTAIN PATERSON, ADMINISTRATOR, TO THE RIGHT HON. HENRY
DUNDAS.

(Per ship *Britannia*, *viâ* Batavia; acknowledged by the Duke of
Portland to Governor Hunter, 8th June, 1796.)

Sir, Sydney, New South Wales, 15th June, 1795.

15 June.

By the enclosed copies of my last letters you will be informed that I was in daily expectation of the arrival of Governor Hunter. At the time of their being sent away the state of the public stores in these settlements gave me some uneasiness, and as soon after as was consistent with the important labour I had in hand—sowing every bushel of wheat I could spare—I reduced

Commissariat
impoverished.

1795.
15 June.

the ration of salt meat to half the established allowance. You will perceive by the enclosed return from the Commissary the little that is now left us of that article, in which, however, I have now made a saving of full two weeks' rations by purchasing and issuing fresh pork in lieu thereof; this resource will, however, very soon fail, and unless supplies should arrive there will be nothing left but grain to issue.

The store-ship
Britannia
chartered.

Under these circumstances I have thought it expedient for the good of his Majesty's service to charter the Britannia, storeship, and send her to India, there to be freighted with provisions for this settlement. I delayed taking up this ship for some weeks in the daily hope that the Governor or ships with supplies might arrive, and prevent the necessity that now exists for sending her away.

The terms which I have entered into with the master, a copy of which is enclosed, are the same as those on which the Atlantic was hired by Governor Phillip.

Arrival of the
Endeavour with
cattle.

I feel great satisfaction in having to report the considerable addition which has been made to our live stock by the arrival of Captain Bampton with a cargo of cattle and grain from India, pursuant to the contract entered into between him and Lieut.-Governor Grose.

He arrived in the Endeavour on the 31st of last month, having on board*———† cows; forty oxen for draught;———† calves; four asses; three hundred and fifty tons of rice; and one hundred and fifty tons of dhol.

I have the honour to enclose a copy of his letter to me, stating the circumstances which prevented his earlier fulfilling his engagement with the Crown. I hope my deeming them sufficiently satisfactory to induce me to direct his cargo to be received on the terms prescribed in the contract will meet your approbation.

The cattle were all safely landed in a few days. If no unforeseen accident should happen, I have no doubt of their proving a most valuable acquisition to the colony; and I shall direct every care to be taken of them which can tend to insure us the advantages which in a few years may be derived from them.

I had hopes of receiving one hundred tons of salt meat from India by this ship, the master having contracted to bring that quantity, but he has stated to me that at the time he sailed from Bombay there was not any such article to be purchased as European salt provisions, or indeed any other at any rate whatever.

The remaining part of the cargo will be landed as speedily as possible, but the colony begins to feel a want of labouring people. From the great numbers whose sentences of transportation having expired support themselves independent of the public stores, from the increasing number of settlers, and from the assistance which must unavoidably be given to this description of people, but few are left for tillage or other necessary works.

1795.
15 June.

The number of settlers on the banks of the Hawkesbury, with their families, amounts to upwards of four hundred persons, and their grounds extend near thirty miles along the banks on both sides of the river. They have for some time past been annoyed by the natives, who have assembled in large parties for the purpose of plundering them of their corn; and from the impossibility of furnishing each settler with firearms for his defence, several accidents have happened. Within a few weeks five people have been killed and several wounded. It therefore became absolutely necessary to take some measures which might secure to the settlers the peaceable possession of their estates, and without which, from the alarm these murders have created, I very much feared they would have abandoned the settlement entirely, and given up the most fertile spot which has yet been discovered in the colony. I therefore sent a detachment of two subalterns and sixty privates of the New South Wales Corps to the river, as well to drive the natives to a distance, as for the protection of the settlers. With this view a subaltern's party is to remain there after the service they are now gone upon is performed.

The
Hawkesbury
settlement.

I have just received a report from the commanding officer of the detachment informing me that the night after his arrival at the river the party had fired upon and pursued a large body of natives, who had concealed themselves in the neighbouring woods during the day, and at night came to a settler's farm to plunder it; that he supposes seven or eight natives were killed, and that he was taking every measure he thought likely to deter them from appearing there again.

I have now in my possession one man and four women (natives) who were taken prisoners some short time since at the Hawkesbury from amongst a large party who were plundering the settlers. I mean to keep them until they can be made to understand that it is not their interest to do us injuries, and that we are readier to be friends than enemies; but that we cannot suffer our people to be inhumanly butchered, and their labour rendered useless by their depredations, with impunity.

Natives kept
captive.

1795.
15 June.

It gives me concern to have been forced to destroy any of these people, particularly as I have no doubt of their having been cruelly treated by some of the first settlers who went out there; however, had I not taken this step, every prospect of advantage which the colony may expect to derive from a settlement formed on the banks of so fine a river as the Hawkesbury would be at an end.

The Fancy
chartered to
sail to Norfolk
Island.

No opportunity offering of communicating with Norfolk Island since the departure of Lieut.-Governor Grose, I have availed myself of an offer made by the master of the Fancy (mentioned in my letter of the 21st of March last to have arrived from New Zealand) to run thither for the sum of one hundred pounds. He will take such articles of stores and provisions as can be spared from this place. I have directed Mr. Marsden, the assistant-chaplain of this colony (who arrived here in the William), to take a passage in her, for the purpose of performing such parts of his office as the inhabitants may be in want of. He will return in her, together with Mr. Balmain, who, as senior assistant-surgeon, succeeds to the duty of principal surgeon, in the room of Mr. White.

Returns
enclosed.

I have the honor to enclose a return of ground sown this year with wheat on public and private account. If the season is favourable, and no accident happens to the corn when ripening, which from the present temper of the natives is rather to be dreaded, we are not likely to feel any want in that article; and there is at this time, with the grain just arrived from Bombay, a sufficient quantity of Indian corn received into store, and remaining to gather, to serve us until the ensuing wheat harvest.

A return of the live stock (confined to oxen, horses, sheep, and goats) in the colony is also included. Their numbers are daily increasing, and I have no doubt but in a few years the present stock, without accident, and only common care, would go great lengths towards rendering the colony independent of England for animal food.

I have directed the Commissary to draw bills on the Right Honourable the Lords Commissioners of his Majesty's Treasury for the sum of £5,404 stg., which, with the sum of £4,200 mentioned in my last letter, is to pay for the grain and swine's flesh purchased this year, and for some other incidental expences, the vouchers for which are sent by this conveyance.

I have, &c.,
W. PATERSON.

[Enclosure No. 1.]
STATE of the Settlements at Sydney, Parramatta, &c.

Time and Settlements.	Civil Department.														Military Department.														Vice-Admiralty Court.	People not victual'd from the Stores.				
	Acting-Governor for the time-being.	Deputy Judge-Advocate.	Surveyor of Lands.	Commissary.	Provost-Marshal.	Captain.	Assistant-Surgeons.	Deputy-Surveyor.	Deputy-Commissary.	Superintendants, Storekeepers, &c.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Quartermaster.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Registrar.	Marshal and Serjeant-at-Mace.	Men.	Women.		
June 12, 1795 —	1	1	1	1	1	1	1	...	1	5	2	...	2	...	3	2	1	1	1	1	1	1	1	1	1	248	66	3	40	36	...	1	43	...
Sydney	1	1	1	1	1	1	1	...	1	5	2	...	2	...	3	2	1	1	1	1	1	1	1	1	1	248	66	3	40	36	...	1	43	...
Parramatta and Toongabbe .....	...	...	...	...	...	1	2	1	...	6	1	...	...	1	...	1	1	...	...	...	...	3	3	1	62	11	...	11	4	1	...	31	...	
Hawksbury .....	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	1	1	...	...	...	2	2	2	85	...	...	...	...	...	...	...	28	...	

1795.
15 June.

State of the
settlements.

1795.
15 June.
State of the
settlements.

STATE of the Settlements at Sydney, Parramatta, &c. — continued.

Time and Settlements.	Free People.		Settlers from.		Emancipated.		Convicts.		Children above 10 years of age.		Children above 2 years of age.	Children under 2 years of age.	Orphans on full ration.	Natives victual'd from the Public Stores.		Numbers on the different rations.				Numbers victual'd from the Public Stores.		Whole number at full ration.		Numbers in the Settlements.		Weeks' Provisions in Store at the established ration.							
	Men.	Women.	Free people.	Convicts.	Men.	Women.	Men.	Women.	Men.	Women.	Children above 2 years of age.	Children under 2 years of age.	Orphans on full ration.	Natives victual'd from the Public Stores.	Whole.	Numbers on the different rations.				Numbers victual'd from the Public Stores.	Whole number at full ration.	Numbers in the Settlements.	Flour, &c.	Beef.	Pork.	Pease, &c.	Sugar and Molasses.	Wheat and Maize. 23	Days. 6	1½	15	30	
																Whole.	Two-thirds.	Half.	Quarter.														
June 12, 1795 —	2623	5	1214	2778	310	462	72	9	5	1,153	410	104	108	1,775	1,505½	1,818																	
Sydney	9	7	3	40	10	1	662	180	...	31	49	...	...	...	806	200	42	54	1,102	974	1,133										
Parramatta and Toongabbe	9	9	4	138	...	1	170	55	...	20	18	...	...	...	415	65	20	18	518	473	546										
Hawkesbury	9	9	4	138	...	1	170	55	...	20	18	...	...	...	415	65	20	18	518	473	546										

JNO. PALMER, Commissary.

[Enclosure No. 2.]

CHARTER OF THE BRITANNIA.

1795.
15 June.The charter of
the Britannia.*Agreement between Captain Paterson, Administrator, and
Captain Raven.*

8th May, 1795.

It is covenanted, concluded, and agreed upon, this eighth day of May, in the year of our Lord one thousand seven hundred and ninety-five, and in the thirty-fifth year of the reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth:

By and between Mr. William Raven, now master and part-owner of the good ship or vessel called the Britannia, of London, of the burthen of 296 tons, or thereabouts, according to the registered measurement, and now riding in Sydney Cove, Port Jackson, for and on behalf of himself and all and every the part-owners of the said ship or vessel, of the one part; and William Paterson, Esq., senior officer in his Majesty's territory of New South Wales and its dependencies, and executing the office of Governor thereof during the absence of the Governor, by virtue of his Majesty's Letters Patent under the Great Seal of Great Britain, bearing date the second day of April, one thousand seven hundred and eighty-seven, of the other part, in manner following: that is to say, the said William Raven, for and on behalf of himself and all and every the part-owners of the said ship or vessel, hath granted, and to hire, and freight, letten; and by these presents doth grant, and to hire, and freight, let the said ship or vessel unto the said William Paterson, Esq., and doth agree and engage to proceed therewith to such port or ports in India as he shall be hereafter directed, and to receive on board all such articles of live stock and provisions as shall be put on board by the officer in the chief government of such port or ports in India as aforesaid, for the use of his Majesty's colonies in New South Wales.

The said William Raven doth further agree that the said ship shall be strong, tight, stanch, and substantial, both above water and beneath, and compleatly fitted with every thing requisite and necessary for a voyage to India, and manned in the proportion of six men and a boy to every one hundred tanner, fit and capable to manage and sail her.

The said William Raven doth further agree that the said ship or vessel shall (wind and weather permitting) put to sea on her said voyage to India on or about Sunday, the seventeenth day of

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15 June.

The charter of
the *Britannia*.

May next ensuing, and that no unnecessary delay shall be made in the voyage of the said ship either to or from India, touching only at such port or ports as shall be necessary for procuring water or other refreshments, if she should stand in need thereof.

The said William Raven doth further contract, agree, and engage that the whole of the tonnage of the said ship shall be for his Majesty, save and except such part as may be necessary for lodging the seamen, provisions for the ship's company, and the stores for the ship's use, and twenty tons which are allowed for the accommodation of the civil and military officers in the settlement.

The said William Raven doth further contract, agree, and engage that he will not ship, or cause to be shipped, on board the said ship or vessel any spirits, or any other articles, except such as he shall be directed to procure, or such as must be absolutely necessary for the use of himself, the officers, and seamen of the said ship.

The said William Raven doth further agree that he will not take from this colony any person or persons other than he shall be directed to receive on board.

The said William Raven doth further agree, contract, and engage to be aiding and assisting with the people and boats of the said ship in embarking and disembarking the said cargo.

In consideration whereof, the said William Paterson, Esq're, doth contract, agree, and engage, for and on behalf of his Majesty, that the sum of fifteen shillings and sixpence per ton each kalender month shall be allowed and paid for the hire and freight of the said ship or vessel for so long time as she shall be continued in his Majesty's service, which freight or pay shall commence from the date hereof, and the same shall cease and determine at the time of her discharge.

And the said William Raven shall on signing and sealing hereof have and receive a bill of imprest made out for two months' freight; the said bills, as well as the bills for the further payment of the freight of the said ship, which shall be made out and given on the final delivery of the cargo at Port Jackson aforesaid, to be drawn upon the principal officers and Commissioners of his Majesty's navy at ninety days' sight.

And it is further contracted, covenanted, and agreed between the said parties that the said William Raven shall not carry on any private trade whatsoever at any port or ports which he may be directed to in India which might in anywise interfere with the

trade carried on by the servants of the Honorable the United Company of Merchants trading to India.

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15 June.

The charter of
the Britannia.

To the true performance of all and singular the contracts, conditions, and agreements above mentioned, on the part and behalf of the said William Raven and all and every the part-owners of the said ship or vessel, to be kept, done, and performed, he, the said William Raven, on behalf of himself, and all and every the part-owners of the said ship or vessel, bindeth himself, his heirs, executors, and administrators, and the said ship or vessel, with her tackle, apparel, freight, and furniture, unto the said William Paterson, Esq., for and on behalf of his Majesty, in the penalty or sum of two thousand pounds of lawful money of Great Britain, to be recovered and paid by these presents.

In witness whereof, he, the said William Raven, hath set his hand and seal to the one part, and to the other part hereof the said William Paterson, Esq., for and on behalf of his Majesty, hath set his hand and seal, the day and year first above written.

WILLIAM RAVEN.

WILLIAM PATERSON.

Signed, sealed, and delivered (where no stamps are used or can be had) in the presence of—

DAVID COLLINS,

Secretary to the Colony.

[Enclosure No. 3.]

CAPTAIN PATERSON'S ORDERS TO THE MASTER OF THE BRITANNIA.

By William Paterson, Esq., senior officer in his Majesty's territory of New South Wales and its dependencies, and executing the office of Governor thereof during the absence of the Governor, by virtue of his Majesty's Letters Patent, under the Great Seal of Great Britain, bearing date the second day of April, 1787, &c., &c., &c.

Instructions to
the master of
the Britannia.

HAVING received into your charge my dispatches "On His Majesty's Service," you will sail with the ship under your command, according to your charter, for the purpose of procuring provisions for this colony, at such port or ports in India as they can most readily be obtained at, and agreeable to the annexed requisition.

In executing this service you will attend to the particular state of this settlement at present, which requires every diligence

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15 June.

Instructions to
the master of
the *Britannia*.

and exertion to be made in procuring an immediate supply of provisions; and as Batavia is the nearest port whereat you are likely to succeed, you will first proceed thither, and, if possible, purchase a cargo of European salted meat.

The necessity for your immediate return is so urgent that, if you are able to procure but half the quantity of provisions you are directed to purchase, you will fill up the remainder of the stowage with a quantity of rice and sugar, and make the best of your way back to this port therewith.

If, on your arrival at Batavia, you find you cannot be supplied with salt provisions, and receive information that a cargo may be procured at Bengal, you will immediately depart from Batavia, and proceed thither, where you will submit your requisition for provisions to the Governor-General, together with a copy of these instructions, requesting to be dispatched as immediately as possible.

Should you be so unfortunate as not to succeed at either of the above-mentioned ports, of which you will not omit to procure satisfactory certificates from under the hand of the Governor, or some official person or persons residing thereat, you are at liberty to return hither by way of the Cape of Good Hope, as provisions must, if possible, be procured.

At whatever port you may purchase them, you will take especial care to procure them on the cheapest terms possible, attending at the same time to their quality, which, it is expected, will be the best you can obtain.

European salted meat will be preferred to a cargo of American provisions, and you will particularly observe that if either can be purchased in sufficient quantity to load the ship no other articles are wanted.

You will draw bills for the purchase, at ninety days' sight, on the Right Honorable the Lords Commissioners of his Majesty's Treasury, transmitting the necessary vouchers to that Board.

You will not fail at whatever port you may load the ship to represent from time to time the necessity of her being immediately dispatched, and you will yourself use your utmost diligence to return to this port in the shortest time possible.

Given under my hand, at Sydney, this 15th day of June,
1795.

WILLIAM PATERSON.

By command of the Governor for the time-being.

DAVID COLLINS,
Secretary to the Colony.

[Enclosure No. 4.]

PROVISIONS wanted for his Majesty's colonies in New South Wales, to be shipped in India, on board the *Britannia*, Mr. William Raven, commander, viz.:—

AN equal quantity of Irish beef and pork, if to be procured. If beef cannot be purchased, a cargo of pork; spirits, 70 leaguers. Should it so happen that neither beef or pork can be obtained, the following articles are to be purchased, viz.:—If at Batavia—sugar, 30 tons; rice, the remaining stowage; if at Bengal—sugar, 30 tons; dholl rice, an equal proportion of the remaining cargo; if at the Cape—flour, the remaining stowage.

WILLIAM PATERSON.

[Enclosure No. 5.]

CAPTAIN BAMPTON TO CAPTAIN PATERSON, ADMINISTRATOR.

Sir, Port Jackson, 1st June, 1795.

I have the pleasure of informing you the *Endeavour* is safe arrived in Port Jackson with the cattle and grain on account of Government. I beg leave to acquaint you with the many unavoidable accidents which have prevented my fulfilling the contract earlier.

In the first instance, you will perceive by my journal, which I will produce if you think it necessary, by which you will see we were unavoidably detained getting through the unknown passage between New Holland and New Guinea to Batavia. On my arrival at Batavia I was informed of the French war, and that the Straits of Sunda and Banca were infested by a number of French privateers, which obliged me to remain near a month after the ship was ready for sea until I could get the Dutch frigate, the *Amazon*, to convey me through the straits, which was late in December, and it was the 1st of February before I arrived at Bombay. On my arrival, there was no ship fit for conveying cattle to a great distance, nor did the ship I now have arrive until the middle of May. I then purchased her, but found she was not fit to proceed in those boisterous latitudes without docking (and the south-west monsoon far advanced), which took me until the month of October. It was impossible for me to get the cattle from Surat at this season, and it took me until January before I could get them all down, after which I had to land them and feed them two months on dry food, such as hay, grain, &c., for had we taken them on board directly from grass they must inevitably have died in the course of so long a voyage. This brought all February, and on the 17th of March I embarked the cattle, and on the 19th sailed with 132 head of cattle and new grain just arrived from Surat.

I am, &c.,

W. W. BAMPTON.

1795.
15 June.Instructions to
the master of
the *Britannia*.

1795.
15 June.

[Enclosure No. 6.]

GROUND sown with Wheat, June 14, 1795.

Government, at Parramatta	340 acres
Private, "	1,214 "
" at Hawkesbury	548 $\frac{1}{2}$ "
" Sydney	618 $\frac{3}{4}$ "
Total	2,721 $\frac{1}{4}$

[Enclosure No. 7.]

LIVE Stock, June 15, 1795.

<i>Government Stock.</i>				<i>Private Stock.</i>			
Oxen	...	81 male, 77 female		Oxen	...	2 male, 16 female	
Sheep	...	70 " 74 "		Sheep	...	157 " 531 "	
Goats	...	7 " 6 "		Goats	...	278 " 694 "	
Horses	...	4 " 8 "		Horses	...	4 " 33 "	
Asses	...	1 " 3 "		Asses	...	2 " 1 "	

Total cattle, 176; sheep, 832; goats, 985; horses, 49; asses, 7.

W. PATERSON.

CAPTAIN PATERSON, ADMINISTRATOR, TO THE RIGHT HON. HENRY DUNDAS.

(Per ship *Britannia*, *viâ* Batavia; acknowledged by the Duke of Portland to Governor Hunter, 8th June, 1796.)

Sir, Sydney, New South Wales, 15th June, 1795.

The New South
Wales Corps.

I have the honor to enclose a return of the New South Wales Corps, under my command, and, at the same time, to represent that unless some officers are sent from England we shall not have a sufficient number to carry on the several duties of the settlement.

From the indisposition of one of the captains, and having been obliged to send two officers in command to the river (where the presence of one officer at least will in future be constantly requisite), there are at this time but one captain and one subaltern at headquarters fit for duty, exclusive of the adjutant and quarter-master, and it is not possible, from the nature of the settlement, to reduce the number of officers at either Parramatta or Norfolk Island.

The inconvenience which must arise to his Majesty's service should further indisposition or accident deprive the regiment of any more of its officers is so obvious, and is of such consequence, that I hope it will plead my excuse for troubling you with a representation on the subject.

I have, &c.,

W. PATERSON.

STATE of the New South Wales Corps, commanded by Lieut.-Colonel Grose, and doing duty at the under-mentioned places, 14th June, 1795.

Companies.	At Sydney.										At Parramatta.					At Hawksbury.					At Norfolk Island.					At South Head.		Absent with leave in England.			
	Captains.	Lieutenants.	Ensigns.	Adjutant.	Qr.-master.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Captains.	Lieutenants.	Ensigns.	Serjeants.	Corporals.	Drummers.	Privates.	Captains.	Lieutenants.	Ensigns.	Serjeants.	Corporals.	Drummers.	Privates.	Serjeants.	Corporals.	Drummers.		Privates.		
Lt.-Col. Francis Grose's	1	1	1	1	1	1	4	1	1	38	...	1	...	1	...	1	12	...	...	...	...	1	...	4	...	...	...	...	2
Major Leveson Gower's	1	1	1	1	1	1	2	3	1	30	...	1	...	1	...	1	19	...	...	...	...	...	1	...	4	...	...	...	1
Captains—																															
Nicholas Nepean's	1	1	1	1	1	1	1	3	2	32	...	1	...	1	...	1	13	...	...	...	...	...	1	...	10	...	...	...	2
William Hill's	1	1	1	1	1	1	2	3	1	31	...	1	...	1	...	1	11	...	...	...	...	...	1	...	7	...	...	...	1
William Paterson's	1	1	1	1	1	1	2	...	2	26	...	1	...	1	...	1	5	...	...	...	...	...	1	...	16	...	...	...	1
Joseph Foveaux's	1	1	1	1	1	1	2	1	1	34	...	1	...	1	...	1	11	...	...	...	...	...	1	...	8	...	...	...	1
George Johnston's	1	1	1	1	1	1	3	1	1	32	...	1	...	1	...	1	12	...	...	...	...	...	2	...	15	...	...	...	2
Total	3	3	1	1	1	1	16	12	9	223	...	1	1	2	1	47	...	1	3	3	83	...	1	3	2	5	...	64	7	3	
Names and Rank of Officers at Sydney.		Names and Rank of Officers at Parramatta.										Names and Rank of Officers at Hawksbury.										Names and Rank of Officers at Norfolk Island.									
Captain William Paterson. Captain Joseph Foveaux. Captain George Johnston. Lieut. John Thomas Prentice. Lieut. and Adj't. Thomas Rowley. Lieut. William Cummings. Qr.-master Thomas Laycock. Surgeon John Harris.		Lieut. John Macarthur. Ensign William Pattulo.										Lieut. Edward Abbott. Ensign Neil McKellar.										Lieut. John Townson. Ensign John Clephan. Ensign John Piper. Ensign James Hunt Lucas.									

W. PATERSON, Capt. Command'g N.S. Wales Corps.

1795.
15 June.
Return of
N.S.W. Corps.

DESPATCHES
TO AND FROM ENGLAND
DURING THE
ADMINISTRATION OF GOVERNOR HUNTER.

GOVERNOR HUNTER arrived in Port Jackson on the 7th September, 1795, on board of His Majesty's ship *Reliance*. He assumed the government on the 11th September by virtue of his commission, dated the 6th February, 1794 (see p. 513). He also subscribed to the oaths of office, and published his commission on the 11th September. He administered the government until the 28th September, 1800.

DESPATCHES.

SEPTEMBER, 1795, TO DECEMBER, 1796.

GOVERNOR HUNTER'S COMMISSION.*

George the Third, by the Grace of God, King of Great Britain,
France, and Ireland, Defender of the Faith, &c.

To our trusty and well-beloved John Hunter, Esquire, greeting:
Whereas wee did, by our Letters Patent, under our Great Seal of Great Britain, bearing date at Westminster, the second day of April, in the twenty-seventh year of our reign, constitute and appoint our well-beloved Arthur Phillip, Esquire, to be our Captain-General and Governor-in-Chief in and over our territory called New South Wales, extending from the northern cape or extremity of the coast called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South Wales, or south cape, in the latitude of forty-three degrees thirty-nine minutes south, and all the country inland to the westward as far as the one hundred and thirty-fifth degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works which might be erected upon the said territory, or any of the said islands, for and during our will and pleasure, as, by the said recited Letters Patent, relation being thereunto as may more fully and at large appear.

Recital of
Phillip's
commission.

Now, know you that wee have revoked and determined, and by these presents do revoke and determine, the said recited Letters Patent, and every clause, article, and thing therein contained.

Revocation
of Letters
Patent.

And, further, know you that wee, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said John Hunter, of our especial grace, certain knowledge, and meer motion have thought fit to constitute and appoint you, the said John Hunter, to be our Captain-General and Governor-in-Chief in and over our territory called New South Wales, extending from the northern cape or extremity of the coast called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South

Hunter to be
Governor-in-
Chief.

Jurisdiction.

Wales, or south cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland to the westward as far as the one hundred and thirty-fifth degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works which are or may be hereafter erected upon the said territory or any of the said islands.

General
instructions.

And wee do hereby require and command you to do and execute all things in due manner that shall belong to your said command, and the trust wee have reposed in you, according to the several powers and directions granted or appointed you by this present commission, and the instructions and authorities herewith given to you, or by such further powers, instructions, and authorities as shall at any time hereafter be granted or appointed you under our signet and sign-manual, or by our order in our Privy Council.

Oaths of office
to be taken.

And our will and pleasure is that you the said John Hunter, after the publication of these our Letters Patent, do, in the first place, take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First, intituled, "An Act for the further security of his Majesty's person and Government, and the succession of the Crown in the heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act passed in the sixth year of our reign, intituled, "An Act for altering the oath of abjuration and assurance, and for amending so much of an Act of the seventh year of her late Majesty Queen Anne, intituled, 'An Act for the Improvement of the Union of the two Kingdoms, as after the time therein limited required the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprison of treason.'"

As also that you make use, and subscribe the declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second, intituled, "An Act for preventing dangers which may arise from Popish Recusants."

And likewise that you take the usual oath for the due execution of the office and trust of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies for the due and impartial administration of justice.

And further, that you take the oath required to be taken by Governors in the plantations to do their utmost that the several laws relating to trade and plantations be duly observed, which

said oaths and declaration our Judge-Advocate in our said territory is hereby required to tender and administer unto you, and in your absence to our Lieutenant-Governor, if there be any upon the place.

All which being duly performed, you shall administer unto our Lieutenant-Governor, if there be any upon [the] place, and to our Judge-Advocate, the oaths mentioned in the first-recited Act of Parliament altered as above, as also cause them to make and subscribe the afore-mentioned declaration.

And wee do hereby authorize and empower you to keep and use the public seal which will be herewith delivered to you, or shall hereafter [be] sent to you, for sealing all things whatsoever that shall pass the Great Seal of our said territory and its dependencies.

Custodian of
Public Seal.

Wee do further give and grant unto the said John Hunter full power and authority from time to time, and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give the oaths mentioned in the said first-recited Act of Parliament altered as above, to all and every such person or persons as you shall think fit, who shall at any time or times pass into our said territory or its dependencies, or shall be resident or abiding therein.

Power to
administer oaths
of allegiance.

And wee do hereby authorize and empower you to constitute and appoint Justices of the Peace, coroners, constables, and other necessary officers and ministers in our said territory and its dependencies for the better administration of justice and putting the law in execution, and to administer, or cause to be administered, unto them such oath or oaths as are usually given for the execution and performance of offices and places.

To appoint
justices and
officers of the
law.

And wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit all such offences, fines, and forfeitures, treason and wilful murder only excepted, in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our Royal pleasure may be known therein.

To pardon and
reprieve.

And whereas it belongeth to us in right of our Royal prerogative to have the custody of idiots and their estates, and to take the profits thereof to our own use, finding them necessities; and also to provide for the custody of lunatics and their estates without taking the profits thereof to our own use.

And whereas, while such idiots and lunatics and their estates remain under our immediate care, great troubles and charges may

arise to such as shall have occasion to resort unto us for directions respecting such idiots and lunatics and their estates, wee have thought fit to entrust you with the care and commitment of the custody of the said idiots and lunatics and their estates.

And wee do by these presents give and grant unto you full power and authority, without expecting any further special warrant from us from time to time, to give order and warrant for the preparing of grants of the custodies of such idiots and lunatics and their estates, as or shall be found by inquisitions thereof, to be taken by the Judge of our court of civil jurisdiction, and thereupon to make and pass grants and commitments, under our Great Seal of our said territory, of the custodies of and every such idiots and lunatics, and their estates, to such person or persons, suitors in that behalf, as according to the rules of law, and the use and practice in those and the like cases you shall judge meet for that trust, the said grants and commitments to be made in such manner and form, or as nearly as may be, as hath been herefore used and accustomed in making the same under the Great Seal of Great Britain, and to contain such apt and convenient covenants, provisions, and agreements on the parts of the committees and grantees to be performed, and such security to be by them given as shall be requisite and needful.

To pass grants
for custody of
lunatics and
their estates.

To levy armed
forces.

And wee do hereby give and grant unto the said John Hunter, by yourself, or by your captains or commanders, by you to be authorized, full power and authority to levy, arm, muster, command, and employ all persons whatsoever residing within our said territory and dependencies under your Government, and as occasion shall serve, to march from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates, and rebels, both at sea and land; and such enemies, pirates, and rebels, if there shall be occasion to pursue and prosecute in or out of the limits of our said territory and its dependencies, and (if it shall so please God) them to vanquish, apprehend, and take, and being taken according to law, to put to death, or keep and preserve alive at your discretion.

To proclaim
martial law.

And to execute martial law in time of invasion or other times, when by law it may be executed; and to do and execute all, any, every other thing and things which to our Captain-General and Governor-in-Chief doth or ought of right to belong.

To erect
fortifications.

And wee do hereby give and grant unto you full power and authority to erect, raise, and build in our said territory and its dependencies such and so many forts and platforms, castles, cities, boroughs, towns, and fortifications as you shall judge necessary, and the same or any of them to fortify and furnish with ordnance and ammunition, and all sorts of arms, fit and

necessary for the security and defence of the same, or any of them to demolish or dismantle, as may be most convenient.

And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war, and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered, we do hereby give and grant unto the said John Hunter full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant to such captains, lieutenants, masters of ships, and other commanders and officers commissions to execute the law martial during the time of war, according to the directions of an Act passed in the twenty-second year of the reign of our late Royal grandfather, intituled, "An Act for amending explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea," as the same is altered by an Act passed in the nineteenth year of our reign, intituled, "An Act to explain and amend an Act made in the twenty-second year of the reign of his late Majesty King George the Second, intituled, 'An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea.'"

To exercise
sovereign nava
powers

And to use such proceedings, authorities, punishments, corrections, and executions upon any offender or offenders who shall be mutinous, seditious, disorderly, or any way unruly, either at sea or during the time of their abode or residence in any of the ports, harbours, or bays of our said territory, as the case shall be found to require, according to martial law and the said directions during the time of war as aforesaid.

Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence, cause, matter, or thing committed or done upon the high sea, or within any of the havens, rivers, or creeks of our said territory and its dependencies under your government by any captain, commander, lieutenant, master, officer, seaman, soldier, or other person, whatsoever who shall be in actual service and pay in or on board any of our ships of war or other vessel acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain, or from our High Admiral of Great Britain for the time being, under the seal of our Admiralty.

with certain
limitations.

But that such commander, lieutenant, master, officer, seaman, soldier, or other person so offending shall be left to be proceeded against and tried, as the merits of their offences shall require, either by Commission under our Great Seal of Great Britain,

as the statute of the twenty-eighth of Henry the Eighth directs, or by Commission from our Commissioners for executing the office of our High Admiral of Great Britain, or from our High Admiral of Great Britain for the time being, according to the aforesaid Act, intituled, "An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea," as the same is altered by an Act passed in the nineteenth year of our reign, intituled, "An Act to explain and amend an Act made in the twenty-second year of his late Majesty King George the Second, intituled, 'An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea.'"

Provided, nevertheless, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or any other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain, or from our High Admiral of Great Britain for the time being, under the seal of our Admiralty, may be tried and punished according to the laws of the place, where any such disorders, offences, and misdemeanors shall be committed on shore, notwithstanding such offender be in our actual service, and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain for the time being as aforesaid, so as he shall not receive any protection for the avoiding of justice for such offences committed on shore from any pretence of his being employed in our service at sea.

To control
finances.

Our will and pleasure is that all public monies which shall be raised be issued out by warrant from you, and be disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed, and not otherwise.

To grant land.

And wee do hereby likewise give and grant unto you full power and authority to agree for such lands, tenements, and hereditaments as shall be in our power to dispose of, and them to grant to any person or persons upon such terms and under such moderate quit-rents, services, and acknowledgments to be thereupon reserved unto us according to such instructions as shall be given to you under our sign-manual, which said grants are to pass and be sealed by our seal of our said territory and its dependencies, and being entered upon record by such officer or officers as you shall appoint thereunto shall be good and effectual in law against us, our heirs, and successors.

And wee do hereby require and command all officers and ministers to appoint fairs, marts, and markets, as also such and so many ports, harbours, bays, havens, and other places for conveniency and security of shipping, and for the better loading and unloading of goods and merchandizes as by you shall be thought fit and necessary.

To control
commerce.

And wee do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said territory and its dependencies, to be obedient, aiding and assisting you, the said John Hunter, in the execution of this our commission, and of the powers and authorities herein contained; and in case of your death or absence out of our said territory, to be obedient, aiding and assisting unto such person as shall be appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies. To whom wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure, or until your arrival within our said territory and its dependencies.

Provision for
vacancy in
office.

And if upon your death or absence out of our said territory and its dependencies there be no person upon the place commissioned or appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies, our will and pleasure is that the officer highest in rank who shall be at the time of your death or absence upon service within the same, and who shall take the oaths and subscribe the declaration appointed to be taken and subscribed by you or by the Commander-in-Chief of our said territory and its dependencies, shall take upon him the administration of the government and execute our said commission and instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes as other our Governor or Commander-in-Chief should or ought to do in case of your absence until your return, or in all cases until our further pleasure be known therein.

And wee do hereby declare, ordain, and appoint that you, the said John Hunter, shall and may hold, execute, and enjoy the office and place of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies, together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure.

Term of office.

In witness, &c.

Witness ourself, at Westminster, the sixth day of February,
one thousand seven hundred and ninety-four.

By writ of Privy Seal.

GOVERNOR HUNTER'S INSTRUCTIONS.*

George R.

Instructions to
Jno. Hunter as
Governor-in-
Chief.

INSTRUCTIONS for our trusty and well-beloved John Hunter, Esquire, our Captain-General and Governor-in-Chief in and over our Territory of New South Wales and its Dependencies, or to the Lieutenant-Governor or Commander-in-Chief of the said Territory for the time being. Given at our Court at Saint James's, the twenty-third day of June, 1794, in the thirty-fourth year of our Reign.

Territorial
jurisdiction.

1. With these our instructions you will receive our Commission under our Great Seal constituting and appointing you to be our Captain-General and Governor-in-Chief of our Territory called New South [Wales], extending from the Northern Cape or extremity of the coast called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South Wales, or South Cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland to the westward as far as the one hundred and thirty-fifth degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works which now are or may be hereafter erected upon the said territory or any of the said islands, with directions to obey such orders and instructions as shall from time to time be given to you under our Signet and Sign-Manual, or by our order in our Privy Council. You are, therefore, to fit yourself with all convenient speed, and to hold yourself in readiness to repair to your said command, and, being arrived, to take upon you the execution of the trust we have reposed in you, and as soon as conveniently may be with all due solemnity to cause our said Commission under our Great Seal of Great Britain constituting you our Governor and Commander-in-Chief as aforesaid to be read and published.*

To assume
command
immediately on
landing.

2. It is our Royal will and pleasure that you do immediately on your landing in our said settlement take upon you the command thereof, and pursue such measures as are necessary for the peace and security of the same, and for the safety and preservation of the public stores and stock of every description, and that you do proceed without delay to the cultivation of the lands, the curing of fish and other provisions, distributing the convicts for those purposes in such manner, and under such inspectors or overseers, and under such regulations as may appear to you to be

Instructions *re*
commissariat.

necessary and best calculated for procuring supplies of grain and ground provisions, and for curing fish and other provisions. The assortment of tools and utensils, which have been from time to time provided for the use of the convicts and other persons who compose the said settlement, are to be distributed according to your discretion, and according to the employment assigned to the several persons. In the distribution, however, you will use every proper degree of economy, and be careful that the Commissary do transmit an account of the issues from time to time to the Commissioners of our Treasury and to one of our Principal Secretaries of State, to enable them to judge of the propriety or expediency of granting farther supplies. The clothing of the convicts and the provisions issued to them and the civil and military establishment must be accounted for in the same manner, pursuant to such instructions in that behalf as you from time to time shall receive from the Commissioners of our Treasury or one of our Principal Secretaries of State.

3. And whereas the Commissioners of our Admiralty have commissioned certain of our ships to be employed at our said settlement under your orders, for the purpose of supplying the same with live stock and other necessaries from such places as shall be found most convenient for that purpose, you are in consequence thereof to look upon the providing such a supply of live stock and necessaries as an object of the first importance, and you are to follow without delay such directions in the execution thereof as you shall from time to time receive under our Sign-Manual or from one of our Principal Secretaries of State in that behalf; and all such live stock as shall be brought into our said settlement by means of our aforesaid ships or otherwise at the public expence are to be considered as public stock, and for the use of the settlers and emancipated convicts being settlers, and under no pretext whatever to be sold, given away, made over, or transferred by them or any of them to whom such live stock shall be granted by you without your special leave and licence in writing first had and obtained for that purpose on pain of forfeiting the same, which shall in such case revert and be added to the public stock of our said settlement.

Instructions re
live stock.

4. And as the increase of the stock of animals must depend intirely upon the measures you may adopt for their preservation, you are hereby particularly charged and directed to be extremely cautious in permitting any cattle, sheep, hogs, &c., which are to be preserved as much as possible for propagating the breed of such animals, from being slaughtered or taken away from our said settlement on any pretence whatsoever, by any vessels or craft which shall come there, until a competent stock be acquired

to admit of your supplying the settlement from it with animal food without having further recourse to the places from whence such stock may have originally been obtained.

*Instructions re
the products of
convict labour.*

5. It is our will and pleasure that the productions of all descriptions acquired by the labour of the convicts shall be considered as a public stock, which we so far leave to your disposal that such parts thereof as may be requisite for the subsistence of the said convicts and their families, or the subsistence of the civil and military establishment of the settlement, may be applied by you to that use. The remainder of such productions you will reserve as a provision for such further number of convicts as you may expect will from time to time be sent from hence to be employed under your direction in the manner pointed out in these our instructions to you; and you are always to take care on the arrival of such convicts to obtain an assignment to you or the Governor-in-Chief for the time being, from the masters of the ships bringing the said convicts, of the servitude of those convicts whose services are assigned, either for the remainder of the terms which shall be specified in their several sentences or orders of transportation, or for such less time as shall be specified in their respective sentences in that behalf.

*Re the
cultivation
of flax.*

6. And whereas it has been humbly represented unto us that advantages may be derived from the flax-plant, which is found in the islands not far distant from the intended settlement, not only as means of acquiring clothing for the convicts and other persons who are and may become settlers, but from its superior excellence for a variety of maritime purposes, and as it may ultimately become an article of export: It is therefore our will and pleasure that you do particularly attend to its cultivation, and that you do send home by every opportunity which may offer samples of that article, in order that a judgment may be formed whether it may not be necessary to instruct you further upon this subject.

*Re maritime
exploration.*

7. And whereas we are desirous that some further information should be obtained of the several ports or harbours upon the coast and the islands contiguous thereto within the limits of your Government, you are, whenever any of our said ships can be conveniently spared for that purpose, to send one or more of them upon that service. You are to endeavour by every possible means to extend your intercourse with the natives and to conciliate their affections, enjoining all our subjects to live in amity and kindness with them; and if any of our subjects shall wantonly destroy them, or give them any unnecessary interruptions in the exercise of their several occupations, it is our will and pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence. You will endeavour to procure from

*Re intercourse
with natives.*

time to time accounts of the numbers inhabiting the neighbourhood of our said settlement, and report your opinion to one of our Secretaries of State in what manner the intercourse with these people may be turned to the advantage of this country.

8. And it is further our Royal will and pleasure that you do by all proper methods enforce a due observance of religion and good order among the inhabitants of the new settlement, and that you do take such steps for the due celebration of public worship as circumstances will permit.

Instructions re religious observance.

9. And whereas it hath been represented unto us that great evils have arisen from the unrestrained importation of spirituous liquors into our said settlement from vessels touching there, whereby both the settlers and convicts have been induced to barter and exchange their live stock and other necessary articles for the said spirits to their particular loss and detriment, as well as to that of our said settlement at large: We do therefore strictly enjoin you, on pain of our utmost displeasure, to order and direct that no spirits shall be landed from any vessel coming to our said settlement without your consent, or that of our Governor-in-Chief for the time being, previously obtained for that purpose, which orders and directions you are to signify to all captains or masters of ships immediately on their arrival at our said settlement, and you are at the same time to take the most effectual measures that the said orders and directions shall be strictly obeyed and complied with.

Re the importation of spirits.

10. And whereas we have by our Commission bearing date the 23rd of January, 1794,* given and granted unto you full power and authority to emancipate and discharge from their servitude any of the convicts under your superintendence who shall from their good conduct and disposition to industry be deserving of favor: It is our will and pleasure that in every such case you do issue your warrant to the Surveyor of Lands to make surveys of and mark out in lots such lands upon the said territory as may be necessary for their use, and when that shall be done that you do pass grants thereof, with all convenient speed, to any of the said convicts so emancipated, in such proportions and under such conditions and acknowledgements as shall hereafter be specified, vizt., to every male shall be granted 30 acres of land, and in case he shall be married 20 acres more, and for every child who may be with them at the settlement at the time of making the said grant a further quantity of 10 acres, free of all fees, taxes, quit-rents or other acknowledgements whatsoever for the space of ten years, provided that the person to whom the land shall have been granted shall reside within the space and proceed to the cultivation and improvement thereof, reserving only to us such timber

Re granting land to emancipists.

as may be growing, or to grow hereafter, upon the said land which may be fit for naval purposes and an annual quit-rent of sixpence for every 30 acres after the expiration of the term or time before mentioned. You will cause copies of such grants as may be passed to be preserved, and make a regular return of the said grants to the Commissioners of our Treasury and the Lords of the Committee of our Privy Council for Trade and Plantations

Instructions re assistance for emancipist grantees.

11. And whereas it is likely to happen that the convicts who may after their emancipation in consequence of this instruction be put in possession of lands will not have the means of proceeding to their cultivation without the public aid, it is our will and pleasure that you do cause every such person you may so emancipate to be supplied with such a quantity of provisions as may be sufficient for the subsistence of himself and also of his family until such a time as their joint labour may reasonably be expected to enable them to provide for themselves, together with an assortment of tools and utensils and such a proportion of seed, grain, cattle, sheep, hogs, &c., as may be proper and can be spared from the general stock of the settlement.

Re the prevention of foreign intercourse.

12. And whereas it is our Royal intention that every sort of intercourse between our said settlement, or other places which may be hereafter established on the coast of New South Wales and its dependencies, and the settlements of our East India Company, as well as the coasts of China and the islands situated in that part of the world to which any intercourse has been established by any European nation, should be prevented by every possible means, it is our Royal will and pleasure that you do not upon any account allow craft of any sort to be built for the use of private individuals which might enable them to effect such intercourse, and that you do prevent any vessels which may at any time hereafter arrive at the said settlement from any of the ports before mentioned from having communication with any of the inhabitants residing within your Government without first receiving especial permission from you for that purpose.

Re granting lands to free settlers.

13. And whereas certain of our subjects now resident within our said settlement, and others from hence or from other parts of our dominions, may be desirous of becoming settlers in our said settlement, our will and pleasure is that, in case such persons shall apply to you for grants of land, you do afford them every encouragement that can be given in that undertaking without subjecting the public to expence, and that grants of land to such amount as you shall judge proper be made out for each person applying, not exceeding 100 acres over and above the quantity hereinbefore directed to be granted to such convicts as shall be emancipated or discharged from their servitude, free of all fees,

taxes, quit-rents, and other acknowledgements for the space of ten years, but after the expiration of that time to be liable to an annual quit-rent of one shilling for every 50 acres.

14. It is nevertheless our Royal intention, in case of any peculiarly meritorious settler or well-deserving emancipated convict who shall become a settler as aforesaid, that you shall be at liberty to enlarge the said grants so respectively to be made to such settler or emancipated convict as aforesaid by the addition of such further number of acres to be granted to them respectively as you in your discretion shall judge proper, subject nevertheless to our approbation thereof upon your transmitting to one of our Principal Secretaries of State, which you are hereby directed to do by the first opportunity, your reasons for making the same.

Instructions re additional grants to meritorious settlers.

15. And whereas such persons as are or shall become settlers upon our said continent of New South Wales, or the said islands dependent thereupon, may be desirous of availing themselves of the labour of part of the convicts as are or may be sent there, it is our will and pleasure that in case there should be a prospect of their employing any of the said convicts to advantage, that you assign to each grantee the service of any number of them that you may judge sufficient to answer their purpose, on condition of their maintaining, feeding, and clothing such convicts in such manner as shall appear satisfactory to you or to our Governor of New South Wales for the time being.

Re assigned servants.

16. You are to take care that all grants to be given of lands in our said continent or islands be made out in due form, and that the conditions required by these our instructions be particularly and expressly mentioned in the respective grants, that the same be properly registered, and that regular returns thereof be transmitted by the proper officers to our Commissioners of our Treasury and to the Committee of our Privy Council appointed for all matters of Trade and Foreign Plantations, within the space of twelve months after the passing of such grant.

Re the issue of land grants.

17. It is also our will and pleasure that in all grants of land to be made by you as aforesaid regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionate number of one sort and of the other, as likewise that the breadth of each tract to be hereafter granted be one-third of the length of such tract, and that the length of such tract do not extend along the banks of any bay or river, but into the mainland, that thereby the said grantees may have each a convenient share of what accommodation the said harbour or rivers may afford for navigation or otherwise.

18. It is also our will and pleasure that between every 1,000 acres of land so to be allotted to settlers or emancipated convicts, being settlers as aforesaid, you do reserve not less than 500 acres adjacent thereto for the benefit of us, our heirs, and successors, which spaces so reserved you are not to grant without our special direction and licence; but you are at liberty to lease the same for any term not exceeding fourteen years, and on such terms and conditions as you shall judge advantageous to our service, subject to such orders as shall be given to you in that behalf under our Sign-Manual, or by one of our Principal Secretaries of State.

*Instructions re
the formation
of "townships."*

19. And whereas it has been found by experience that the settling planters in townships* hath very much redounded to their advantage, not only with respect to the assistance they have been able to afford each other in their civil concerns, but likewise with regard to their security, you are therefore to lay out townships of a convenient size and extent in such places as you in your discretion shall judge most proper, having, as far as may be, natural boundaries extending up into the country, and comprehending a necessary part of the seacoast where it can be conveniently had

*Re the forma-
tion of towns.*

20. You are also to cause a proper place in the most convenient part of each township to be marked out for the building of a town sufficient to contain such a number of families as you shall judge proper to settle there, with town and pasture lots convenient to each tenement, taking care that the said town be laid out upon or as near as conveniently may be to some navigable river or the seacoast; and you are also to reserve to us proper quantities of land in each township for the following purposes, vizt.:—For erecting fortifications and barracks, or for other military or naval services, and more particularly for the building a town-hall and such other public edifices as you shall deem necessary, and also for the growth and production of naval timber, if there are any woodlands fit for that purpose.

*Re the endow-
ment of churches
and schools with
land.*

21. And it is our further will and pleasure that a particular spot in or as near each town as possible be set apart for the building of a church, and 400 acres adjacent thereto allotted for the maintenance of a minister, and 200 for a schoolmaster.

*Re fees to be
paid by grantees*

22. And whereas it is necessary that a reasonable compensation shall be made to the Surveyor-General of our lands for surveying and laying out of the said lands for the use of such persons who may be disposed to become settlers in the said continent or islands dependent thereupon, we have thought fit to establish the tables of fees hereunto annexed, which you are to allow him to demand from all persons whatsoever, excepting the

non-commissioned officers and men of the detachment of our marine corps or to the convicts emancipated or discharged, who are not to be subjected to the payment of such fees.

You are to cause the above-mentioned table of fees to be hung up in one of the most public places, that all persons concerned may be apprized of the demands which may be demanded of them on their taking up lands within the said continent or islands dependent thereon.

G.R.

LIST OF FEES UPON GRANTS OF LAND.

Governor's Fees.

Fees on land grants.

For the Great Seal to every grant not exceeding 1,000 acres	0	5	0
For all grants exceeding 1,000 acres, for every 1,000 each grant contains	...	...	...
For a license of occupation	...	...	...
	0	2	6
	0	5	0

Secretary's Fees.

For every grant, and passing the Seal of the Province, of under 1,000 acres	...	...	...	...	0	5	0
Between 1,000 and 5,000 acres	...	...	...	...	0	10	0
All above	...	...	...	...	0	15	0
In grants of land where the number of proprietors shall exceed twenty, each right	...	...	...	...	0	2	6
In grants of land where the number of proprietors shall not exceed twenty, the same as for grants in proportion to the quantity of land	...	...	...	...	0	2	6
For every license of occupation of land	...	...	...	...	0	2	6
For every grant of land from 1,000 to 20,000 acres, take for the first 1,000 acres	...	...	...	...	0	15	0
And for every 1,000 acres more	...	...	...	...	0	2	6

Fees to be taken by the Chief Surveyor of Land.

For every lot under 100 acres	...	...	...	...	0	2	6
From 100 to 500 acres	...	...	...	...	0	5	0
Above 500 acres	...	...	...	...	0	7	6
Every township, if above twenty rights, each right	0	2	6

Auditors' Fees.

For the auditing every grant	0	3	4
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Register's Fees.

For recording a grant of land for or under 500 acres	0	1	3
For recording a grant of land from 500 to 1,000 acres	0	2	6
For every 1,000 acres to the amount of 20,000	...	...	...	...	0	0	6
For recording the grant of a township	...	...	...	...	1	0	0

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Per store-ship Endeavour, *via* India.)

Sydney, New South Wales,

My Lord,

11th September, 1795.

There being a vessel at this port going immediately to India, I take that opportunity of informing your Grace that I arriv'd with his Majesty's ships Reliance and Supply in Port

1795.
11 Sept.Arrival of
Gov. Hunter.

1795.
11 Sept.

Jackson on the 7th September, but not having had time to examine particularly into the present state of the settlement, I cannot lay before your Grace any particulars. I shall, however, take the earliest opportunity of transmitting the fullest information.

General report
on state of
colony.

At present I shall only observe that the state of agriculture and the breeding of live stock wears the most favourable appearance; it far exceeds any expectation I cou'd have had on those heads, and certainly does great credit to the arrangements made by the late Lieut.-Governor, Major Grose, and the officer who succeeded to the command on his departure (Captain Patterson), to whose despatches I beg to refer your Grace for an account of such of the concerns of the colony as may have been manag'd by him from the time of Major Grose's leaving the settlement untill my arrival.

There being at this time scarcely a pound of salt provision in store, I fear much for the effects of that scarcity upon the live stock of individuals, in whose hands it appears in a most promising way.

We are also destitute of every kind of tool used in agriculture, as well as such as are necessary for carpenters and other artisans. I shall be extremely anxious untill a supply of those articles can be sent us, regular demands for which, I understand, have been transmitted from hence some time past. I look every day for the arrival of the two provision ships which were near ready to sail when I left England, and which, if forwarded by the first convoy after my departure, cannot now be at any great distance.

I have, &c.,

JNO. HUNTER.

CAPTAIN PATERSON TO THE RIGHT HON. HENRY DUNDAS.*

(Per store-ship Endeavour, *viâ* India.)

Sydney, New South Wales,

15th September, 1795.

15 Sept.

Sir,

List of emanci-
pations granted
by Paterson.

I have the honor to inclose for your information a list of such persons as I have judged it expedient to emancipate, pursuant to the power and discretion vested in the Governor, and, consequently, in the person executing that office during the absence of the Governor and Lieutenant-Governor of this territory.

According to his Majesty's instructions, the duplicates of these instruments ought to be sent Home, but the present conveyance is so circuitous and precarious, particularly in the present state, not only of Europe, but of India*also, that I prefer giving you the information in this way to the hazarding papers of such con-

* Note 274.

sequence by so uncertain a conveyance. Whenever a more direct and favourable occasion shall present itself, the duplicates of each instrument will be transmitted.

I have, &c.,

W. PATERSON.

[Enclosure.]

[This list contains the names of twelve persons emancipated from 12th December, 1794, to 5th September, 1795.]

1795.
15 Sept.

CAPTAIN PATERSON TO THE LORDS COMMISSIONERS OF THE
TREASURY.*

16th September, 1795.

16 Sept.

[A copy of this despatch has not yet been found. It enclosed bills drawn on the Treasury for £21,499 9s. 5d.]

CAPTAIN PATERSON TO THE RIGHT HON. HENRY DUNDAS.*
(Per store-ship Endeavour, *viâ* India.)

Sir, Sydney, New South Wales, 16th September, 1795.

In addition to the information which I have already communicated to you respecting the state of the settlements, which have been under my direction since the departure of Lieutenant-Governor Grose, I have now the honor to inform you of the arrival of his Excellency Governor Hunter, on the 7th instant, with his Majesty's ships the Reliance and Supply.

Arrival of
Gov. Hunter.

From the exhausted state of our provisions, we have to regret the accident which has detained the storeships that were to have accompanied the Governor; we have, however, the satisfaction of learning from himself that he expects their arrival within six weeks or two months from this time; and we entertain hopes that the Britannia, sent, as I have already informed you, to Batavia, may be fortunate enough to return with a cargo of salted meat at the close of this year.

We have lately had some very heavy rain and tempestuous weather. The Hawkesbury, during the continuance of it, rose to the height of five-and-twenty feet above its usual level, laying the grounds of several settlers under water. The rise of the river was so rapid that one person, a settler, was unfortunately drowned, and I much fear that it would be the utmost imprudence to place any dependance on that settlement as a resource. The soil certainly is uncommonly fertile, and no doubt considerably aided by those occasional overflowings of the river, but the settlers are at present alarmed, and many have offered their grants again to the Crown. It would be a work of more labour and expence than we can at present command to throw up banks capable of resisting the force of the torrent, but without some such expedient the settlers never will be perfectly secure.

Flood in the
Hawkesbury.

1795.
16 Sept.

I am apprehensive that the late bad weather has done some damage to our Indian corn, much of which has been unavoidably exposed to the weather.

Military
detachment at
the Hawkesbury

The party of the New South Wales Corps which I ordered to the river will remain there under the command of one officer, but the natives have not lately given any disturbances in that quarter.

Cattle from
India.

I am concerned to mention that about twenty of the cattle brought from India by the Endeavour have died since landing. The weather proved very unfavourable to them, being either extremely cold or very wet; but I hope, as the spring is now advancing, we shall not lose any more.

The whole expence of the cattle and cargo received into his Majesty's stores from that ship amounts to the sum of £13,429 19s. 3d., the vouchers for which are transmitted by the Commissary to the Right Honorable the Lords Commissioners of his Majesty's Treasury by this conveyance.

Bills also are drawn by the Commissary for the sum of £8,069 10s., being for the further payment for grain, &c., purchased for the use of the colony, and of other incidental expences of the settlement, the particulars of which will be seen in the Commissary's accounts now sent.

Purchase of
sugar.

Having been constrained, through the failure of our salted meat, to issue a greater allowance of sugar or molasses than usual, and the whole of those articles belonging to Government in the public stores having been for some time expended, I directed the Commissary to purchase a quantity of sugar which was here for sale, on the most reasonable terms he could procure it. Rice forming a considerable part of the ration at present issued to the convicts, sugar is an article absolutely necessary, and as such I did not hesitate to direct its being purchased.

Salted
provisions at
Norfolk Island.

I have lately heard from Norfolk Island, where there is such an abundance of every article of provisions that Lieutenant-Governor King could spare us upwards of forty tons of salted meat. Should the Governor think it expedient to send for this supply, it will very much contribute to our comfort, should any accident have retarded the departure of the provisions from England.

As the direction of the colony now devolves upon the Governor,* I hope I may be permitted to say at this close of my correspondence that in every step I have taken I have acted to the best of my judgment for the good of his Majesty's service, and that in so doing I hope it will be found that my conduct is not undeserving of your approbation.

I have, &c.,

W. PATERSON.

* Note 275.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* marked Separate, per store-ship Young William, *viâ* China.)

1795.
22 Oct.

Sydney, New South Wales,

My Lord, 22nd October, 1795.

The enclos'd is the copy of a letter which I received from Judge-Advocate D. Collins, Esq., the Judge-Advocate of this colony, and Secretary to the Governor. This gentleman has been in the country since the commencement of a settlement here, and it is but a justice, due to his meritorious exertions and diligence in those offices, to assure your Grace that no officer in this colony has more laboriously earn'd the small sallarys annex'd to the dutys of his appointments.

The increasing consequence of the colony occasions every day an increase of the fatiguing concerns in which he is constantly engag'd. Having long been acquainted with his zeal and very great ability in the various dutys he has to perform, I can, with truth, assure your Grace that were he to quit the settlement I know no individual in it whose absence would be so heavily felt by the public service; and I may venture further to assure you, my Lord, that if he were now impatient to quit the colony, I cou'd not, without exposing it to the most manifest injury, give my consent to his doing so. Such, my Lord, is the consequence this gentleman is of here, and such are my reasons for urging your Grace in the most earnest manner to consider the loss he has sustain'd by the removal of the marine corps from this country, to whom he held the office of Judge-Advocate, at a salary of ten shillings per day, and to direct that such addition be made to his allowance as Secretary to the Governor or colony as may compensate the loss he has sustain'd by the above appointment of Judge-Advocate to the troops having ceas'd upon the removal of the marines.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

JUDGE-ADVOCATE COLLINS TO GOVERNOR HUNTER.

Sir,

Sydney, 22nd October, 1795.

I have the honor to lay before you the following representation, and to request that if you find it just you will give it the weight of your opinion, and submit it with such observations as you may think it merits to the consideration of his Grace the Duke of Portland.

My first appointments in this country were handsome, but not deem'd greater than the situation in which I was placed wou'd warrant. I had an allowance of ten shillings per diem annex'd to the Commission of Judge-Advocate to the marine detachment

1795.
22 Oct.

Services of
Judge-Advocate
Collins.

serving in New South Wales; but it must be observ'd, in consequence of my holding these civil appointments, my half-pay, as a reduc'd captain of marines, ceas'd to be paid.

Soon after our arrival in this place, the late Governor (Phillip) was pleased to nominate me Secretary to the Governor,* which office was afterwards confirm'd by Parliament, and an allowance of five shillings per diem annex'd to the execution of the dutys of it.

I enjoy'd these different emoluments until the marine detachment quitted the colony, when my sallary as Judge-Advocate to that corps must have ceased, and I have since remained here with a reduction of ten shillings per diem in my original appointments.

Will you suffer me to remark to you that no officer who has serv'd in it since the first establishment of the colony has sustained so peculiar a loss as myself; I have, nevertheless, at the request both of Governor Phillip and Lt.-Govr. Grose, hesitated not to remain in it until this hour, and am ready and willing to continue as long as the person who may be in the government of the country may think my services of sufficient importance to be required by him.

The dutys of the two offices which I now hold are, however, much increas'd. The consequence of the colony, I may venture to say, I think, is also increasing; and I wou'd say it, altho' I did not possess the situation, that the stipend which is annex'd to that of Secretary is far inferior to it—the reward is not proportion'd to the service, nor is the sum adequate to the rank the Secretary holds as such in the colony.

If your Excellency shou'd be of opinion that my situation is rather mortifying and peculiar, and deserving of some consideration, may I hope you will do me the honour to add the weight of your recommendation to my request for such addition being made to the sallary of the Secretary as the dutys “of it may be thought to merit.”

I have, &c.,

DAVID COLLINS.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 1, per store-ship Young William, *viâ* China; acknowledged by the Duke of Portland, 11th August, 1796.)

Sydney, New South Wales,

25th October, 1795.

25 Oct.

My Lord,

Macarthur as
inspector of
public works.

I beg to inform your Grace that Captain John Macarthur, of the New South Wales Corps, having been appointed by Lieutenant-Governor Grose some time past to the situation of inspector of the public works in this country, a situation for

* Note 25.

which he seems extremely well qualified, I have judged it necessary for the good of the service to continue him in the employment of that necessary office. I call it necessary, my Lord, because I see the impossibility of any one person being able, in the extended state of our settlement, to overlook every part as often as it may be requisite to attend thereto. I am very desirous, my Lord, to prevent as far as possible any increase in the expence of the civil establishment; but I am certain your Grace will see that the extension of the settlement will render such increase unavoidable, and in order to our fixing the various settlers in the most promising spots of land, this circumstance cannot be avoided. Wherever any considerable number of farmers are settled, there storehouses and granaries are necessary, consequently storekeepers, and in a certain number of contiguous districts, a deputy-commissary. Those additional appointments, altho' apparently an extra expence, will ultimately be a saving, because convicts cannot be depended upon.

1795.
25 Oct.

This leads me, my Lord, to take notice of the very great success attending both the raising of grain and the breeding of live stock in the hands of private individuals. They are self-interested in what is their own property, and it certainly succeeds better with them than in the hands of Government. It has given me much pleasure to go through the different farms, as well public as private, and to observe the luxuriance with which the corn-lands at this time appear.

Private enterprise in farming.

It will be necessary to consider how a market is to be found for the quantity of grain, which will be more than necessary for the different settlers and their families, by whose industry it has been raised. Your Grace will notice that if Government were to continue to cultivate land sufficient for the maintenance of whatever number of convicts may be hereafter sent out, in such case there would be an effectual stop to the exertions of industrious farmers for want of a market for their crops, and that we shall soon have abundance, there is scarcely any reason to doubt, and this abundance of grain will of course promote the breed of cattle of different kinds.

The problem of a market for grain.

To increase our present stock I am extremely anxious, as the most effective means of rendering us, in a short time, wholly independent for provisions on any other country. To forward this desirable end, it will be of consequence to the colony that I should, as early as possible, receive information what effect the present unfortunate state of Holland may have on her settlements in the East Indies, in order to my employing the ships here, agreeable to my instructions from his Majesty, in stocking the colony with live cattle.

Live stock required.

1795.
25 Oct.
Assigned
servants.

The number of convict labourers allowed by Lieut.-Governor Grose to the civil and military officers, who have farms, appear to me to have been the principal means by which this colony has arrived at that state of improvement in which I have found it; I have, therefore, thought fit to continue them, because by doing so I see a very fair prospect of the different farmers being soon able to take whatever number they can employ off the hands of Government—of a certain prospect of its being the means of hastening that independence for provision which is so much to be desired, and which would certainly be delayed by cramping the exertions of the industrious, who, it must be admitted, have naturally a view to their own interest, but which, for the general good, it may be necessary to encourage by giving them early assistance.

More convicts
required.

This assistance, from the numbers which have been from time to time permitted to become settlers, and of those whose term of transportation has expired, and who have availed themselves of such opportunities as have offered and left the settlement, leave it very little in my power at present to afford; I may, therefore, with propriety, intimate to your Grace, that whenever there may be a number of felons ready to be sent out of England we can receive and dispose of a thousand at least; but I beg permission also to intimate that I could wish, whenever it is intended to send convicts to this country, that it will be highly necessary for the immediate advantage of the settlement that as many as can be had should be mechanics—such as carpenters, smiths, &c., &c.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 2, per store-ship *Young William*, *viâ* China; acknowledged by the Duke of Portland, 11th August, 1796.)

Sydney, New South Wales,
25th October, 1795.

My Lord,

The N.S.W.
Corps.

Your Grace's time will most probably be very much occupied at present by business of more immediate importance than that which I am about to mention, yet I should consider myself as deficient in an attention to the troops now serving in this country were I not to represent the severity of the duty which they have now to perform, assured that, through your Grace's means, when the public service will admit, some steps will be taken to lessen the frequency of actual duty, either by an augmentation of the corps or some other regulation which may

Hardships of
service.

answer the end. Since the settlement has been so extended as I have found it, and in another place have mentioned, the various detachments which are necessary, as well for the security of the settlers against the attacks of depredations to which they are liable from those natives who are less acquainted with us as to preserve order by a good understanding amongst themselves, have so considerably increased the duty of officers and soldiers as to be felt very severely; and what will occasion its being still more so with the officers is that, in consequence of a Court of Criminal Judicature having been established on Norfolk Island, there will be an indispensable necessity for four officers being constantly resident there, in order to there being a number sufficient for the purpose of forming a court; but as it is not improbable that sickness or some other cause might break in upon this regulation, there should, in my opinion, be five there constantly; this, however, the strength of this corps will not admit. I beg to refer your Grace for information respecting the present detached state of the troops to the enclosed return. Permit me, my Lord, to suggest that if hereafter, when the situation of public affairs will admit of it, an independent company was ordered for the duty on Norfolk Island, to be relieved every three, four, or five years, as might be determined, and sent out by the ships which might be employed in carrying stores or convicts to this country, it would considerably relieve the troops doing duty here, and, in such case, would render any augmentation of this corps, for a time, unnecessary; it would, however, at the same time, be requisite that they should be kept complete.

Whilst I am on the subject of the New South Wales Corps, allow me, my Lord, to observe that since the return of Lieut.-Colonel Grose to England, I am concerned to understand that Captain William Paterson, on whom the command has devolved, believing it probable that some of the officers who have served under his command in this country may find it convenient to purchase the vacant majority of the corps, has written for permission to return Home, a circumstance I cannot be surprised at, but which I shall exceedingly regret, because this service will lose a very valuable officer.

I must beg leave to draw your Grace's attention to the inconvenience the service sustains by the length of time which is necessarily employed in the annual relief at the distance of nine hundred miles, a time which cannot be estimated at less than seven or eight weeks, during which there must be eight officers absent from head-quarters on the Norfolk Island duty.

I have, &c.,

JNO. HUNTER.

1795.
25 Oct.

Hardships of
service.

Captain
Paterson desires
to return.

1795.
25 Oct.
Return of
officers, N.S.W.
Corps.

[Enclosure.]

RETURN of the Distribution of the Officers of the New South Wales Corps, Sydney, 23rd October, 1795.

Absent in England.	At Sydney.	At Parranatia.	At the Hawksbury.	At Norfolk Island.	On their Passage to Norfolk Island.
Lt.-Col. Francis Grose.	Captain William Paterson.	Capt'n John Macarthur.	Lieut. Edw'd Abbott.	Capt'n John Townson.	Lieut. Jno. Thos. Prentice.
Major Nicholas Nepean.	Captain Joseph Foveaux.	Ensign Will'm Pattullo.		Lieut. John Clephan.	Ens'n Thomas Davis.
Lieut. Will'm Beckwith.	Captain George Johnston.			Lieut. John Piper.	Ens'n Anthony Kemp.
Chaplain James Bain.	Lieut. & Adj't Thos. Rowley.			Ens'n Jas. Hunt Lucas.	
Surgeon's Mate Edw'd Laing.	Lieut. Will'm Cummings (not doing duty, his resignation being sent Home).				
	Ensign Neil McKellar.				
	Qr.-master Thomas Laycock.				
	Surgeon John Harris.				

THOMAS ROWLEY, Adjutant.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1795.
25 Oct.

(Despatch No. 3. per store-ship Young William, *viâ* China; acknowledged by the Duke of Portland, 11th August, 1796.)

Sydney, New South Wales,
25th October, 1795.

My Lord,

Inclosed I transmit for your Grace's inspection a return of the civil establishment of this colony. It may be necessary to say that Mr. Thomas Clarke, Superintendant of Convicts, having more than completed the time for which he had agreed to remain in this country, has desired permission to return to England with his family; and that Mr. Walter Broady, who came out here as a settler, but who, being by profession a blacksmith, had been appointed by Lieut.-Governor Grose superintendent of the working smiths, a situation to which none of the convicts could with confidence be appointed, I have judged it necessary and in order to the preventing those embezzlements which might otherwise be expected, to continue him in that duty until I receive your Grace's commands thereupon.

I must also notice to you, my Lord, that John Irvine,* who was assistant to the surgeon, died two days before my arrival; so that the settlement suffers in that department considerable inconvenience.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

RETURN of the Civil Establishment of New South Wales.

Rank.	Name.	Where stationed.
Governor	John Hunter, Esq.	Sydney.
Lieut.-Governor	Frans. Grose, Esq.	Returned to England.
Judge-Advocate	David Collins, Esq.	Sydney.
Sec'y to Governor	do	do
Chaplain	Rev'd Richard Johnson	do
Assist't-Chaplain	Rev'd Saml. Marsden	Parramatta.
Commissary	John Palmer	Sydney.
Deputy-Commissary	Tho's Laycock	do
Deputy-Commissary	Zach'h Clark	Norfolk Island.
Surveyor of Lands	Augustus Alt	Sydney.
Deputy-Surveyor	Charles Grimes	Parramatta.
Principal Surgeon	John White	Returned to England.
First Assistant do	William Balmain	Sydney.
Second do	Tho's Jamison	Norfolk Island.
Third do	James Thomson	Parramatta.
Fourth do	— — Leeds	Sydney.
Provost-Marshal	Henry Brewer	do
Assist't to Surgeon	Vacant .....	.....

* Note 277.

RETURN of Civil Establishment of N.S.W.—*continued.*1795.
25 Oct.The civil
establishment.

Rank.	Name.	Where stationed.
Acting Provost-Marshall ...	Fane Edge	Norfolk Island.
1 Superintendants of Convicts. }	Nicholas Divine	Sydney.
	Thomas Clarke	Parramatta.
	Andrew Hume	Toongabbe.
	John Jamieson	Norfolk Island.
	William Baker	Hawkesbury.
Storekeepers	2 Darcy Wentworth	Norfolk Island.
	3 William Broughton	Parramatta.
	2 W'm Neate Chapman	Norfolk Island.
	3 Thomas Smith	Sydney.
	3 James Bloodworth	do
Master-bricklayer	3 John Livingston	Parramatta.
Master-carpenter	1 Thomas Allen	Parramatta.
Master-miller	1 Jas. Thorpe	do
Master-millwright	2 Walter Brodie	Sydney.
Master-blacksmith	1 Dan'l Payne	do
Master-boatbuilder	3 Will'm House	do
Navigating the Sloop	4 Martin Tims	Norfolk Island.
Acting Superintendant	Vacant	do
Master-carpenter		

1 Sent as such from England. 2 Appointed by Lt.-Gov. Grose. 3 Appointed by Lt.-Gov. Grose, who promised him £10 per annum. 4 Appointed by Lt.-Gov. King.

ALTERATIONS since the first establishment.

Rank.	Name.	—
Governor	Arthur Phillip	Resigned.
Lieut.-Governor	Robert Ross	Recalled.
Commissary	Andrew Miller	Died on his passage to England.
Deputy-Commissary	Thomas Freeman	Dead.
Provost-Marshall	George Alexander	Did not come out.
Assist.-Surgeon	Denis Considen	Returned to England.
Assist.-Surgeon	Thomas Arndell	Retired on £50 per annum.
Superintendants	Henry Edw'd Dodd	Dead.
	Phillip Schaffer	Settler.
	David Burton	Dead.
	W'm Tho's Doidge	Gave up his engagement.
	John Davis	Discharged.
Master-carpenter	Stephen Donovan	do
	Tho's Daveney	do
	William Peate	Dead.
Assist.-Surgeon	John Irving	do

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 4, per store-ship Young William, *viâ* China; acknowledged by the Duke of Portland, 11th August, 1796.)

Sydney, New South Wales,

My Lord,

25th October, 1795.

Condition of
medical
establishment.

The inclosed letter, which I have received from the gentleman now doing duty as Principal Surgeon of these settlements in the absence of Mr. White, who has returned to England upon his private business, will show your Grace that an addition to the assistance in the surgeon's department is exceedingly wanted.

The extension of the settlement, as I have in another place mentioned, renders an increase of assistance in this, as well as the Commissary Department, unavoidably necessary, and when your Grace may have time to consider it, I am persuaded that it will require no additional argument from me to show the necessity. I also inclose for your Grace's consideration a letter from the same gentleman, in which he states how greatly a supply of medicines, utensils, and other necessities is wanted for the use of the sick in this country; and as the amount of those wants will best appear by submitting for inspection a copy of the survey of hospital stores, taken by my direction soon after my arrival here, I have now inclosed the report made by the officers who were ordered upon that duty.

1795.
25 Oct.

Condition of
medical
establishment.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

ACTING PRINCIPAL-SURGEON BALMAIN TO GOVERNOR HUNTER.*

General Hospital, at Sydney, New South Wales,

Sir,

16th October, 1795.

The distressed state of these settlements for the want of a due proportion of medical assistance renders it incumbent in me to state the same to your Excellency, and to request that you will be pleased to use such means as shall appear to yourself most proper to be adopted for the better accommodation of the colony in that respect.

The duty of this place is at present performed by an assistant-surgeon and myself, but more would be absolutely necessary to do the duty if sickness should prevail, and even now the task is a laborious one, and at times attended with inconvenience to the patient.

At Norfolk Island there is but one assistant-surgeon, and but one at Parramatta, where the country is inhabited at a great distance from the town.

At the Hawkesbury the business is entrusted to a convict who has not much professional skill, and if sickness or other causes should at any time befall the gentlemen that are detached, bad consequences would naturally follow.

Under these circumstances, if your Excellency would be pleased to cause any of the gentlemen that can be spared from either of his Majesty's ships to be sent on shore for the purpose of doing duty at the hospital until you may be enabled to devise some other means of remedying the present inconvenience, you would thereby essentially serve the settlement.

I have, &c.,

W. BALMAIN.

* Note 278.

1795.
25 Oct.

[Enclosure No. 2.]

General Hospital, at Sydney, New South Wales,
16th October, 1795.

Sir,

Medical stores.

I inclose you an Invoice of Medecines and other Articles which was taken on a Survey of them by your Order, soon after my return from Norfolk Island, by Messrs. Laycock and Harris, the Quarter Master and Surgeon of the New South Wales Corps.

As that paper will show the state, in which I found the Hospital, I submit to your Excellency whether it would be expedient, to transmit it with your dispatches, to His Majesty's Principal Secretary of State.

It will be seen by this List that there is great abundance of some Medecines, but it will also be evident that many Essential ones and various other Articles, are totally wanting.

It is my duty to request that your Excellency will be pleased to take such Steps, as shall appear to yourself the most proper, for obtaining a compleat Supply of Medecines and Necessaries for the use of these Settlements.

I beg permission to add that if in sending a Supply from Europe, attention was paid by the person who furnishes it, to the packing up a proportionable quantity of each Article in Cases by themselves, it would save much risque and trouble in supplying the different detachments with what they might require.

I have, &c.,

W. BALMAIN,
Acting as Principal Surgeon to the
Territory of New South Wales.

[Enclosure No. 3.]

SURVEY OF HOSPITAL STORES.

[A copy of this document has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 5, per store-ship Young William, *viâ* China; acknowledged by the Duke of Portland, 11th August, 1796.)

Sydney, New South Wales,

My Lord,

25th October, 1795.

Importation
of cattle.

Upon my arrival in the port on the 7th of September, I found a ship here which had been chartered by Lieut.-Governor Grose, to bring from the East Indies a quantity of live cattle, and such other articles as the settlement was then in want of, which service that ship had performed with much success. The number

of cattle landed as the property of Government, and those in the possession of individuals, your Grace will find in the inclosed list No. 1, which is a duplicate of that forwarded by Captain Paterson, the officer whom I found in the chief command here when I arrived, and which went by the Endeavour, the ship above mentioned, to India. By that ship I wrote to inform your Grace of my arrival here.

1795.
25 Oct.

By the enclosure No. 2 your Grace will observe the numbers victualled from the public store at the different settlements of Sydney, Parramatta, Toongabbe, and the banks of the Hawkesbury.

Commissariat
return.

I must beg leave to observe to your Grace, that having judged it necessary to order a General Muster in every part of the settlements, for the purpose of ascertaining the exact number of people in the colony, as well as the various situations and manner in which they were employed, I have thereby been enabled to make out for your Grace's information a list, marked No. 3, in which I have pointed out a number of people who have been permitted and have taken themselves off from the public store, pretending that they can live by their own labour in their various professions. But as the number of burglaries and robberies which have been lately committed here gives me some reason to suspect that many of the above people, instead of living by their own labor, are employed in plundering the honest and industrious, I have directed that they may either produce some respectable proof that they have a visible and honest way of providing for themselves, otherwise they will be considered as vagrants, and ordered to hard labour.

Census
statistics.

I have, &c.,

JNO. HUNTER.

[Enclosures Nos. 1 and 2.]

[Copies of these enclosures have not yet been found.*]

[Enclosure No. 3.]

STATE OF SETTLEMENTS, 25TH OCTOBER, 1795.†

Civil Department:—Governor, Deputy Judge-Advocate, Surveyor, Commissary, Provost-Marshall, Chaplain; assistant-surgeons—three; deputy-surveyor, deputy-commissary, superintendants, &c.—twelve; women—three; children—three.

Military Department:—Captains—four; lieutenants—three; surgeon; serjeants—sixteen; corporals—eighteen; drummers—twelve; privates—three hundred and ten; women—seventy-two; children—ninety-six.

Not Victualled:—Free men—two hundred and thirty-six; women—two.

* Note 279. † Note 280.

1795.
25 Oct.

Free People:—Men—seven; women—twenty-eight.

Settlers from free people—twenty-three; from convicts—two hundred and fifty-one.

Emancipated:—Men—twenty; women—seventeen.

Convicts:—Men—one thousand three hundred and sixty-two; women—five hundred and forty-six; children over 2—one hundred and fifty-four; under 2—one hundred and fifty-eight.

Number in the settlements—three thousand two hundred and eleven.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Young William*, *via* China; acknowledged by the Duke of Portland, 22nd August and 26th September, 1796.)

Sydney, New South Wales.

My Lord,

25th October, 1795.

The Scottish
martyrs.

I have within these few days received the letter which I now enclose for your Grace's perusal, and to the subject of which I have not thought it necessary to make any other reply than that I should transmit it to England with my despatches by the first conveyance.

I have examined with care and consideration the respective sentences of these people. I have perused their arguments in favour of and against these sentences, and I am obliged to confess, my Lord, that I cannot feel myself justifiable in forcibly detaining them in this country against their consent. I am the more inclined to this opinion in considering the manner in which they have been sent out. It has been customary to have the servitude of other convicts assigned over to the Governor of the settlements for the time being, in order to their being disposed of for the benefit of the public; but this has not been the case with respect to these men.* They appear to have been particularly cautious of not giving the public any claim upon their labour, had it ever been desired, for they have not accepted of any provision from the public store since their arrival. They have lived quiet, retired, and as much at their ease as men in their circumstances can be supposed to be; yet they do not appear satisfied with their situation here considered as compulsory. They can have no other cause of dislike. Although they have it not in their power to return to any part of Great Britain but at the risk of life, they probably might have a desire to pass their time in Ireland. I hope I may receive his Majesty's instructions upon this subject.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

MUIR, PALMER, AND SKIRVING TO GOVERNOR HUNTER.*

1795.
25 Oct.The Scottish
martyrs.

Sir, Sydney, 14th October, 1795.

Your humanity will justify our anxiety in having our state ascertained during the time we may remain in this colony. If we thought the question involved in legal intricacies or perplexed with professional doubts, to move it at present we would consider inexpedient. If we did not see in a clandestine evasion of our sentences a breach of that honour which through life has guarded our transactions, we might upon a subject of this nature have remained in silence. But whilst, upon the one hand, we deem the assertion and the vindication of our personal and absolute freedom to be our bounden duty, so, upon the other, we judge an undisguised exposition of our sentiments to be most respectful towards your Excellency.

Our respective sentences are expressed in the following terms: To be transported beyond seas to such place as his Majesty, with the advice of his Privy Council, shall declare and appoint, with certification if after being so transported he shall return to and be found at large within any part of Great Britain without some lawful excuse, and be thereby lawfully convicted, he shall suffer death as in cases of felony, without benefit of clergy, by the law of England.

Penal sentences must be strictly interpreted. Of the legality of our sentences we waive the discussion. To their construction alone our attention is confined. Giving them the amplest scope, we contend with firmness, but with becoming respect, that they cannot in this land impose upon us any disqualification, cannot encroach upon our liberty of acting, as long as our actions violated no laws, common to every citizen, and cannot restrain our right of departure whenever we may judge departure expedient.

The extent of our punishment is banishment. The mode of carrying the punishment into effect is transportation. The penalty imposed upon breach of the sentence is death.

Already the terms of the sentence are completed. We have been banished by transportation, and there can be no higher security against our returning to Britain than the forfeiture of our lives. To all the rights of free men we are entitled, with the single exception of interdiction from one portion of the dominions of the Empire.

Nor are we, sir, singular in our opinions concerning the interpretation of our sentences. That, after having reached the shores

* Note 245.

1795.
25 Oct.
—
The Scottish
martyrs.

of this island, we were to be bereaved of our freedom, and our persons subjected to an imprisonment of fourteen years, never entered into the conceptions of those who tried us. On the contrary, we have the uncontradicted and solemn testimony of a peer of the realm in Parliament, declaring that the President of the High Court of Justiciary had publicly acknowledged our claim to that freedom which we now demand.

In proof we refer you to the speech of the Earl of Lauderdale, reported by Mr. Woodfal, whose accuracy in evidence of this kind has been invariably admitted, and whose attachment to the present Administration is undisputed. (Woodfal's reports, page 272, April 15th, anno. 1794.) The Lord Justice-Clerk since the trial, had declared: "That in sentencing these persons to fourteen years' transportation, in consequence of which they were to be sent to Botany Bay, *it was not in his contemplation that they should be confined to that place, or that they should be prevented from going to any other, provided they did not return here, or that they should be kept in servitude and subjected to controul.*"

Such the decisive authority of the Judge, and upon this all-sufficient authority alone we might rest our conclusions. Indeed our freedom never has been called in question. In support of the disputed legality of our sentences, and in extenuation of their severity, our freedom has been proclaimed by the officers of the Crown, who instituted and conducted the prosecutions.

To prove that the Court of Justiciary had no power to inflict banishment by transportation, the counsel for Mr. Gerald adduced the authority of Sir George Mackenzie, a distinguished, and we may add the only, writer upon the criminal law of Scotland. The words of Sir George are the following: "But with us no Judge can confine a man, whom he banisheth, to any place without his jurisdiction over other countries, and so cannot make any acts or pronounce any sentences relative to them." In reply the counsel for the Crown made the following answer: "My brother has told your Lordship, upon the authority of Sir George Mackenzie, that banishment by transportation was illegal, because it is impossible to confine a man to any place to which he is banished, as tho' your Lordship had a jurisdiction over him while he is in that place undergoing the sentence of banishment; but that is not the case, for from the moment he has once landed your Lordship has no further authority; you are not confining him there; he may go where he likes, provided he does not return to this country." (Vide Gerald's trial by Ramsay, taken in shorthand, page 74.)

We have not brought forward the language of members of the Opposition in either House of Parliament, nor of counsel engaged to state whatever may be favourable to their clients, but of men high in the confidence of Ministry, of the Chief Judge of the court which tried us, and of the counsel of the Crown who framed our indictments, and who conducted the prosecutions, "*that we are free on our landing to go any part of the world, Great Britain alone excepted.*"

1795.
25 Oct.

The Scottish
martyrs.

This opinion delivered in court demonstrates that our freedom commenced at the moment we arrived at the place fixed on by the Privy Council; then, our Judge tells us, our sentence was completed.

From personal respect to your Excellency, and likewise from our views of prosperity, we deferred this statement, not of arguments but of facts, clear, unequivocal, and irresistibly conclusive, until your arrival.

We are persuaded you will not ascribe our claim of what is more valuable to us than life—our freedom—to dissatisfaction or petulance. We ask what was never intended, and what was never attempted, to be wrested away from us elsewhere. Under your mild and fraternal administration, exile from our own country (and that country is entwisted in every fibre of our hearts) might almost not be accounted a positive evil. We cannot stoop to hold the language of hypocrisy. Imprisonment until the last period of our lives, were it part of our sentences, we would endure with a firm and dignified fortitude. Revering our characters and our stations, we would scorn the proffered boon of mitigation. Even freedom as an indulgence we would spurn. Coming in the shape of right, if neglected and not vindicated, we would sink low in our own minds, we would be degraded in the estimation of the good, and to the favourable opinion of your Excellency, which we so justly and which we so highly value, our pretensions would be derogatory and insulting.

We are, &c.,

THOMAS MUIR.

THOMAS FYSHE PALMER.

W. SKIRVING.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch No. 2, per transport Indispensable; acknowledged by Governor Hunter, 4th May, 1796.)

Sir,

Whitehall, 30th October, 1795.

30 Oct.

You will receive this by the Indispensable, transport, which carries out one hundred and thirty-two female convicts, transport Indispensable.

1795.
30 Oct.

with provisions for them for nine months after their arrival. I enclose you a list (No. 1) specifying their respective names, ages, crimes, and sentences. I also enclose you (Nos. 2 and 3) an acct. of provisions, clothing, and stores sent out by this conveyance, distinguishing such part of them as are for the convicts on their passage from such as are to be landed for the use of the settlement.

Implements for
weaving.

You will have received by the Marquis Cornwallis, transport, which sailed from Cork, the several articles for weaving coarse linen cloth contained in the within list (No. 4); and I trust you will use your utmost endeavours to encourage this branch of manufacture, in which the interests of the settlement are so much concerned.

Shipments of
provisions.

At the same time I transmit you an abstract of provisions (No. 5) shipped for the supply of the settlement since November last, amounting to 1,341,232 pounds of beef and pork taken together, all of which (being exclusive of what is sent by the present conveyance) will, I expect, have arrived at Port Jackson in the course of the present, or very early in the ensuing year. The above quantity of provisions, with the assistance of the labour of the settlement, under your direction and proper application of it, forms, on a reasonable calculation, a supply for the whole settlement for about eighteen months from the time of the arrival of the first division of it, in the Sovereign, transport, which I suppose may have arrived at Port Jackson in September last.

I take this opportunity of sending a duplicate of my letter of the 10th June, which went by the Marquis Cornwallis, which exclusive of provisions, carried out one year's clothing for the settlement, ready-made.

I am, &c.,

PORTLAND.

P.S.—Referring you to the list of convicts (No. 1) herewith enclosed, I, at the same time, transmit you the original contracts entered into by Daniel Bennett, the owner of the Indispensible, for their safe delivery at New South Wales, together with his Majesty's Order-in-Council for the transportation to New South Wales of such of the convicts whose sentences required such order.

[Enclosures Nos. 1, 2, 3, and 4.]

[Copies of these returns have not yet been found.]

[Enclosure No. 5.]

ABSTRACT of Provisions shipped for the supply of the Settlement at New South Wales, November, 1794,
to 30th October, 1795.

Time.	Ships' Names.	Masters' Names.	Flour.		Beef.			Pork.			Peas.	
			Pounds.	Barrels, 336 lb. ea.	Pounds.	Hhds., 500 lb.	Tierces.	Pounds.	Tierces, 320 lb.	Tierces, 318 lb.	Bushels.	Barrels, 5 bush. ea.
17 March, 1795	Sovereign	Geo. Storey ...	168,672	502	268,000	536	...	155,520	486	...	1,165	233
27 May, 1795 ...	Marq. Cornwallis ...	Mich. Hogan...	...	...	112,096	...	36	24,168	...	76	...	...
17 July, 1795 ...	Ceres	Thos. Hedley	...	...	418,928	100	1,098	362,520	...	1,140	...	...
			168,672	502	799,024	636	1,134	542,208	486	1,216	1,165	233

1795.
30 Oct.
Shipments of
provisions.

1795.
30 Oct.

[Enclosures Nos. 6 and 7.]

[*Copies of the contract and order have not yet been found.*]

UNDER SECRETARY KING TO GOVERNOR HUNTER.

(Per transport Indispensable; delivered at Sydney, 1st May, 1796.)

Sir, Whitehall, 30 Octr., 1795.

Indent papers.

Inclosed I transmit to you, by the direction of the Duke of Portland, certificates of the sentences of Rachael Turner and Margaret Dawson, now in the settlement of New South Wales, by which you will perceive that the term of years for which those women were sentenced to be transported has been for some time concluded.*

J. KING.

UNDER SECRETARY KING TO GOVERNOR HUNTER.

(Per transport Indispensable; delivered at Sydney, 1st May, 1796.)

5 Nov. Sir, Whitehall, 5 Novr., 1795.

Hospital stores.

Inclosed I transmit to you, by the direction of the Duke of Portland, two invoices of medicines, drugs, &c., sent from Apothecaries' Hall, for the service of the general hospital at New South Wales and for that at Norfolk Island, which medicines, &c., have been shipped on board the Indispensible, transport, bound to New South Wales.

JOHN KING.

[Enclosure.]

[*Copies of these invoices have not yet been found.*]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 6, per store-ship Sovereign, *viâ* Bengal; acknowledged by the Duke of Portland, 31st January, 1797.)

Sydney, New South Wales,
21st December, 1795.

21 Dec.
Despatches.

My Lord,

The Sovereign, victualling ship, having arrived here on the 5th of November, and being at this time ready to sail on her voyage to Bengal, I avail myself of that opportunity to lay before your Grace duplicates of my last despatches forwarded by the Young William, storeship, which left this port on the 29th of October, bound from hence for China.

Status of
agriculture.

I have but little information to give your Grace in addition to those despatches. We have already begun our harvest, and are at this time fully employed in cutting down the wheat, which will, taking the whole together, turn out well. But I must repeat, my Lord, that our difficulties, for want of the necessary implements

for this kind of labour, are considerable. Our blacksmiths have been employed for some time past in preparing as many sickles and other articles which are indispensably necessary on this occasion as might be possible, and they have, consequently, worked up a large proportion of our stock of iron and steel. But these, my Lord, are not the only tools which are wanted, as our demands, sent Home long since, will show, the very few artificers we have having been long employed with such as we could manufacture here. The great object of Government as well as of private individuals in this country hitherto has been the clearing and cultivating as large a tract of land as possible, an object, no doubt, of the first consequence; but it appears to me that to provide the necessary buildings for the security of the crops when taken off the ground is a consideration of no less importance. This, however, it has fallen to my lot to furnish, consequently I shall not have it in my power to make any figure with our present numbers for some time to come in clearing more ground for the public.

1795.
21 Dec.

Status of
agriculture.

The boats of the settlement, by which our principal communication between this place and the other districts is to be kept up, having also fallen to ruin and decay, it becomes a very essential concern to have them rebuilt or repaired, as without them we cannot convey the necessary supplies of provision or other stores from one place to the other; no time must therefore be lost in putting them in such a state as to render them safe and useful.

Boats required.

The great number of artificers of different descriptions who have, in consequence of their term of transportation being expired, been permitted to withdraw themselves from a dependence on the public stores, and the many who have from the same cause, by various opportunities, quitted the colony, have reduced our numbers of that useful class of people so very low that in order to the erection of the granaries, barns, and storehouses, so much needed at this time, with all possible expedition, I have been obliged to direct that every settler, soldier, or other free man who can assist in this necessary labour be hired and immediately employed. By this means I hope we shall be able to get together as many as will ensure the preservation of our present crops.

Scarcity of
artificers.

Permit me, my Lord, to remind your Grace that we have not now an article of slops in the colony. Your Grace's own private feelings will suggest what I must experience by continual petitions from a people nearly naked, expressive of wants which it is not in my power to relieve.

Clothing
urgently
required.

I have, &c.,

JNO. HUNTER.

1795.
21 Dec.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 7, per store-ship *Sovereign*, *viâ* Bengal; acknowledged by the Duke of Portland, 31st January, 1797.)

Sydney, New South Wales,

My Lord,

21st December, 1795.

Health of
Lieut.-Gov.
King.

By the Return of His Majesty's ship *Supply*, from Norfolk Island, whither I had dispatched her on the 19th of October, with a Relief for the Troops doing Duty there, with my Dispatches for Lieut.-Governor King, I am concerned to say that I received very distressing Accounts of that Gentleman's Health; when the *Supply* left the Island, much doubt was entertained of his Recovery. I have in consequence judged it necessary, in order to my obtaining the earliest Information, respecting him, to fit out and dispatch thither the small Colonial Schooner, the *Francis*; I look for her Arrival in about three Weeks hence, when I will take such Steps for the Assistance of the Lieut.-Governor, should his weakly State of Health require it, as it may be in my Power to afford.

Discovery of the
wild cattle
at the
Cowpastures.

When I had the Honor of writing Your Grace, by the Young William Store Ship, I did not then mention the Discovery which had been made since my Arrival in this Country, of the Cattle, which were lost from the Settlement in 1788, unwilling to communicate this Circumstance to Your Grace until I could do it from more certain Information. I have since with a small Party made an Excursion into that Part of the Country, in which it was said they had been seen, and will therefore trouble Your Grace with the Particulars which fell under my own observation.

On the Evening of my Arrival in those Parts, after a Short Search, I was directed to the Place where the Herd was feeding, by their frequently calling to each other. Here to prevent being discovered, we ascended a Hill, from which we observed an Herd of Forty feeding in a beautiful Pasture in the Valley. I was now anxious to ascertain of what Breed they were, whether Natives originally of this Country, as some might imagine, or the Descendants of those we had so long lost, but in this Attempt we were disappointed by being discovered and attacked most furiously by a large and very fierce Bull, which rendered it necessary for our own Safety, to fire at him. Such was his Violence and Strength, that six Balls were fired through, before any Person dared approach him. I was now satisfied that they were the Cape of Good Hope Breed, and no Doubt the Offspring of those we had lost in 1788, at this Time we counted Sixty-one in number, young and old. They have chosen a beautiful Part of the Country to graze in, where I will do all in my Power to prevent their being disturbed, or in any way annoyed, by which

means they may become hereafter a very great Advantage and Resource to this Colony. To recover them to a domestic State, would I think, be attended with much Difficulty and some Danger, as well I think as detrimental to their rapid Increase; I also think, if it were attempted and without Success, which is more than probable, it might be the cause of their quitting this Part of the Country: it is very desirable that they should keep their present Situation, which lays from Sydney in a South West direction distant from Fifty to Fifty five Miles, and from Parramatta South South West, Thirty two or three Miles. We had Occasion to cross a rapid though narrow River, in search of them, which I believe from the Direction of its Stream, may empty itself into the Hawkesbury.

I have, &c.,

JNO. HUNTER.

1795.
21 Dec.

Discovery of the
wild cattle
at the
Cowpastures.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Sovereign*, *via* Bengal; acknowledged by the Duke of Portland, 31st January, 1797.)

Sydney, New South Wales,

December 21st, 1795.

My Lord,

The enclos'd letter addressed to Your Grace from Mr. Balmain who does duty as Principal Surgeon to the Colony in the absence of Mr. White, I have Consented to his writing and have undertaken to forward it, nor have I the smallest Objection to his being indulg'd in the request it contains if Mr. White shou'd return, but unless we are allow'd an addition to the Number of our Medical Men who are too few in the present extended State of the Settlements, we cannot without considerable inconvenience as well as risk permit any we now have to quit the Colony.

Mr. Balmain's claim to the indulgence he has solicited is certainly very great, he having serv'd ever since the Establishment of the Colony.

I have, &c.,

JNO. HUNTER.

Surgeon
Balmain
requests leave
of absence.

[Enclosure.]

SURGEON BALMAIN TO THE DUKE OF PORTLAND.

Sydney, New South Wales,

14th December, 1795.

My Lord of Portland,

The very unsettled State of my private Affairs, together with several urgent family Concerns, induce me to request your Grace's Permission to return to England for the Purpose of settling them.

1795.
21 Dec.

Surgeon
Balmain
requests leave
of absence.

I am happy in assuring your Lordship that this Application is made with the full Consent and Approbation of His Excellency Governor Hunter.

Leave of Absence is all I require for although I have officiated in every Part of the Settlement since its first Formation; I am still desirous of rendering myself serviceable either here or in any other Part of His Majesty's Dominions where I can be at all useful.

I have lately been called from Norfolk Island to perform the Duty of Chief Surgeon to this Territory in the Absence of Mr. White, and if any thing should intervene to prevent that Gentleman's return to this Settlement, I am informed by His Excellency the Governor, that it is intended I shall fully succeed to his Appointments.

In that Case I would even still hope to be honoured with your Grace's Leave of absence myself for a short Time from the Colony for the pressing Reasons I have already stated to your Lordship.

I have, &c.,

W. BALMAIN,

Acting as Chief Surgeon to the
Territory of New South Wales.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Sovereign*, *viâ* Bengal; acknowledged by the Duke of Portland, 31st January, 1797.)

Sydney, New South Wales,

21st December, 1795.

My Lord,

The letter enclos'd I have Just receiv'd from the Revd. Mr. Johnson Chaplain to this Colony, requesting that if I see no impropriety in his stating the circumstances therein mentioned, that I will lay it with its enclosure before Your Grace.

In Justice to Mr. Johnson I have thought it right to Comply with his request, and farther to say, that I believe his entering upon the business stated in his letter proceeded from his having no place or building of any kind appropriated for the performance of Divine Service, and from his great Zeal in the duties of his Function.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

REV. R. JOHNSON TO GOVERNOR HUNTER.

Sir,

Sydney, 10th December, 1795.

I beg leave to state to you the following circumstances, viz.: That after having made repeated applications, first to Governour Phillip, and afterwards to Major Grose, the late

Request re
church from
Rev. R.
Johnson.

Lieutenant-Governour, for a place of worship to be erected, and there being no prospect of my application being complied with, I was at length (after being in the colony for about five years and a half) induced and resolved to erect a temporary place for the purpose.

1795.
21 Dec.

Request *re*
church from
Rev. R.
Johnson.

That when I had compleated this undertaking I laid before the Lieutenant-Governor an estimate of the expences,* requesting that he would transmit the same to the Honourable Mr. Dundas, not doubting but these expences would be refunded.

But from letters which I have lately received from some respectable friends, some doubts have arisen in my mind whether the application and request which I have made will be complied with.

After having declared that my sole intention in undertaking and accomplishing this business was for the good of the service, I submit to you, sir, whether there could be anything unreasonable or improper in my making such request and application.

Should my conduct in what I have done meet with your approbation, I humbly request, sir, that you make such a representation of this affair to his Majesty's Ministers that those obstacles which have unexpectedly arisen may be removed.

I have taken the liberty of inclosing to you, in brief, an estimate of the expences that I have been at in the above affair.

I am, &c.,

RICHARD JOHNSON.

[Sub-Enclosure.]

AN Estimate of the Expences in Building a temporary Place of Worship at Sydney, New South Wales, in the year 1793.

Bill.

From June 10th to September the 3rd, paid in various									
articles of necessaries to the amount of	7	15	2	½					
And from the 15th of June to the 19th of September,									
paid in cash	59	18	0						
	<hr/>								
	£67	13	2	½					

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 8, per store-ship *Ceres*, *via* China; acknowledged by the Duke of Portland, 2nd March, 1797.)

My Lord, Sydney, New South Wales, 3rd March, 1796.

1796.
3 Mar.

As the *Ceres*, storeship, which arrived here on the 23rd January, is now about departing on her voyage to China, I take that opportunity of informing your Grace that we have got our harvest in, and that it is upon the whole, in point of quantity as

Results of
harvest.

* Note 282.

1796.
3 Mar.
Results of
harvest.

well as quality, very superior to anything which this country has before experienced, although a few blights and other accidents had disappointed the expectations of some very industrious settlers. One accident was in its nature so very uncommon to this climate, and in the summer season too, that I cannot omit mentioning its particular effect.

A violent storm of wind from the south-west brought with it a shower of ice so heavy and irresistible, the solid pieces being about three inches square, that those wheat-fields which lay in the direction through which it passed were entirely cut down, and the weight of the flakes were such that it completely thrashed every grain from the ear, which was at that time nearly ripe. Three settlers only suffered by this accident, who will require some aid from Government to enable them to recover their misfortune.

The want of
public buildings.

My task at present, my Lord, is extremely arduous, and occasions me much anxiety. I have, in a former letter, No. 6, by the Sovereign, storeship (*viâ* Bengal), mentioned the inconvenience, I may say the misfortune, attending the want of public buildings, as storehouses, granaries, and barns. It is much to be lamented that the erection of such indispensable conveniences had not kept pace with the increase or extension of cultivation; but those buildings are still to be raised, attended by disadvantages which, some time ago, the colony did not labor under, nor, indeed, has it ever to the extent we do at this time (in the want of artificers). I have, however, hired from amongst the military and free people all I can meet with, and they are so few, considering what we have to do, that I am apprehensive we shall lose much of the produce of this plentiful harvest.

A granary at
Parramatta.

We are getting expeditiously forward with a granary at Parramatta, which, when finished, will contain about 100,000 bushels of wheat. Every means which can be tried I shall not fail to exert for the attainment of this necessary end.

Stores required.

Tools of every kind, my Lord, are much wanted, as well as a quantity of naval stores for the use of our boats and the Colonial schooner; of those stores I inclose a list, No. 1. I would also wish to have a few stands of firearms (musquets and pistols) for the use and defence of the distant settlers, who are frequently much annoyed by the natives, often robbed, and sometimes murdered by them. All the arms which had formerly been sent out had been issued to different people long before my arrival, and I fear that many of them have fallen into the hands of worthless characters.

Bushrangers.

We have now, my Lord, a band or two of banditti, who have armed themselves and infest the country all round, committing robberies upon defenceless people, and frequently joining the

1796.
3 Mar.

natives for that purpose; but as I have lately issued an Order in which a reward has been held out for the detection of those villains, as well as the discovery of another set of plagues, who, having been allowed a small quantity of ammunition for their own defence, there is reason to suspect they are in league with and supply these depredators, I have no doubt we shall soon be in possession of some of them. One of this gang (a black man convict) has, since the publication of this Order, been discovered, and in the endeavour to secure him he attempted to shoot the man who spoke to him, but there being two of them together, the other, in self-defence, fired and shot him. The fate of this fellow, who has long been a notorious offender, will have its effect. A coroner's inquest was ordered on the body, and every step taken which on such occasions is required by law.

There is a circumstance which I think it necessary to mention Illicit stills. to your Grace, because I find it has been in practice here some time, and appears not to have been carried on with much secrecy. Many of the settlers and others have fallen upon a method of erecting stills and of distilling a most noxious and unwholesome spirit, which not only serves to destroy the health of those who use it, but it also consumes a quantity of grain which would otherwise come to market. It will cost me some time and much trouble to get the better of this dangerous practice, and no doubt a little popularity amongst that description of people. I have, however, issued public Orders strictly prohibiting a practice so certainly ruinous to the health of the settlement, and have directed that the stills be seized wherever found, and the names of those whose possession they were in transmitted to me, that they may be marked as people undeserving confidence or encouragement. This Order will, I think, be effectual, several stills having already been seized and broken.

The ship Marquis Cornwallis, from Cork, with male and female convicts, and a few recruits for the New South Wales Corps, arrived here on the 11th instant. Permit me, my Lord, to observe that the manner in which the convicts are sent from Ireland is so extremely careless and irregular that it must be felt by those people as a particular hardship, and by Government as a great inconvenience. Every ship from that country have omitted to bring any account of the conviction or term of transportation of those they bring out to this,* nor do we ever receive any assignment of their services, because none have been made to the master of the ship. There are many in this settlement now who have repeatedly petitioned to be allowed to leave the country, or to labour and provide for themselves in it, their time, as they say, being completed; but I cannot well depend on their account, and

Arrival of the
transport
Marquis
Cornwallis.

* Note 283.

1796.
3 Mar.

it is certainly an act of injustice to the men if their storey should be true. I hope, therefore, my Lord, that this evil may in future be remedied, and that we may have some account of those lately received from Ireland.

Insurrection on
the Marquis
Cornwallis.

In this last ship (Marquis Cornwallis) a daring and dangerous insurrection* has been reported to have been planned by the convicts, aided by some other disaffected people. The commander informs me he has transmitted the particulars to England. Altho' I am in possession of his Majesty's Commission appointing me Vice-Admiral of this territory, I am yet at a loss to know how a Court of Vice-Admiralty is to be convened here for the trials of offences committed on the high seas, in the absence of the Lieutenant-Governor, who is the Judge of that Court, or how the Governor can sit as a member of a Court assembled by an order from himself, and where an inferior officer is the Judge or President. These are circumstances which I confess, my Lord, I do not correctly comprehend, and yet the Patent seems to express as much.†

The Vice-
Admiralty
Court.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

(A copy of the return of stores required has not yet been found.)

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 9, per transport Marquis Cornwallis, *via* India.‡)

Sydney, New South Wales,

23 April.

My Lord,

28th April, 1796.

Despatch
received.

By the ship Marquis Cornwallis, which arrived in the port on the 11th of February, with male and female convicts and a few recruits for the New South Wales Corps, I had the honor of receiving your Grace's despatch of the 10th of June, 1795.

Harvest
results.

I have pleasure in assuring you, my Lord, that our harvest, speaking generally, has turned out well; the quantity of wheat, public and private, taking it at a rough estimation, may amount to from 35,000 to 40,000 bushels,§ which will more than ensure us bread for twelve months to come, exclusive of maize, which we continue to issue as a part of the weekly ration, and which, being a more certain crop than any other grain in this country, I wish to encourage the cultivation of, to prevent that inconvenience which an unfortunate wheat season might perhaps occasion to us.

At the time of my arrival here, although our wheat looked well, it was nevertheless, at that time and in that state liable to

* Note 284. † Note 285. ‡ Note 286. § Note 287.

accident, as appeared afterwards in the destruction of the crops of some of the settlers by blight. I judged it, therefore, necessary, in order to guard against any failure (many of the settlers having ground in a condition for receiving Indian corn, and that being the season for sowing it), to encourage the planting of this grain by a promise that Government would take it off their hands when gathered.* This encouragement I thought the more necessary, as many of the settlers and others were unwilling to sow their ground with this grain, but rather to keep it prepared for the next wheat season. This precaution, to prevent the possibility of scarcity, I hope may meet your Grace's approbation.

1796.
28 April.

Government
purchase of
grain.

With respect to the rearing of live stock, on which you observe, my Lord, that the public bears no sort of proportion to that in the hands of private individuals, your Grace's remark in this particular must have arisen from your not having then received information of what had been imported from Bengal on Government account; but by the next return of Government stock, which shall be forwarded by the earliest opportunity, it will appear that the public possesses more of the larger kind (horned cattle) than all the private stock of that kind in the settlement, notwithstanding some part had been alienated before my arrival.

Numbers of the
public livestock.

Your Grace will have an opportunity of observing by the return that the public stock of hogs is much reduced, and this reduction should be accounted for. Many of the settlers should have been (agreeable to a promise made when they were settled) supplied with certain live stock from the public, but this promise had only been fulfilled in a few. I therefore ordered that they might now be supplied as far as we could afford, reserving in the hands of Government a few breeding-sows; and such as were unfit for propagation were killed and issued to the military as a part of their ration. Permit me to assure my Lord that the rearing any considerable number of this kind of stock on the public account will be attended with an expence which your Grace can have but little conception of. The hog not being a grazing animal, and there being nothing in the country yet discovered for their sustenance but grass, they cannot be allowed to run at large; they must be confined and fed upon corn, and very considerable is the quantity they require. Every little farmer can afford to feed a few upon the refuse or damaged corn, and sell it to Government at less than half of what it would cost the public if rearing large numbers. Numerous herds of such animals allowed to run loose would also be dangerous to the farmer, whose grounds are yet all open.

* Note 288.

1796.
28 April.
State of public
farming.

Assigned
servants.

To your Grace's observation relative to the quantity of land in cultivation on the public account, permit me, my Lord, to say, I found on my arrival that none had for some time past been cleared for Government, and that a very large proportion of what had formerly been is from its bad quality and exhausted state not now capable of paying the expence of cultivation; it will scarcely return the seed expended upon it, until it has been allowed to lay some time fallow. It therefore becomes necessary for me to weigh and consider well the measures which it may be proper to pursue in order to ensure bread to the settlement, without being obliged to have again recourse to the mother country, which must inevitably be the case if I attend as rigidly as it is my duty to do to the instructions contained in your Grace's letter on the subject of the number of men allowed to officers, in which you refer me to Mr. Dundas's letter of the 30th June, 1793, on the same subject, where it appears that two men only are to be allowed. Permit me to remark, my Lord, that two men are scarcely sufficient in this country for the common domestic purposes of procuring fuel and water, and the taking care of a small garden, far less for the clearing heavy timber, attending a flock, and cultivating the quantity of land allowed to the officers, all which is done by manual labour. The rearing of live stock, which is an object of the utmost importance to this colony, is chiefly in the hands of Government and of the officers, civil and military, and merits every encouragement. Experience has convinced us that they are not safe in the hands of any other description of people yet arrived here. I must beg leave to repeat my former opinion, my Lord, that it must be by the early and sufficient assistance granted to industrious individuals that this country will become independent, not only independent, but I have no doubt will, in due time, and that at no great distance, have corn to spare. By this early assistance they are the sooner enabled to take their labourers off the hands of Government.

I confess, my Lord, that since I had the honour of your Grace's letter I have felt much anxiety, between a sincere desire to obey your commands, as signified in that letter, and a consideration of the consequences it is highly probable will ensue to the settlement if I attend strictly to the letter of it. More than half the produce of our last harvest has been raised by the industry of the officers of the settlement, and at a very considerable private expence to each of them, in addition to the aid afforded them by Government. If I withdraw their men at this time we can expect but very little corn next year, for they will not be able to work their ground; should that be the case, we may expect that those who do raise a little corn will avail themselves

of a scarcity and raise the price, which I had some hope of being able to reduce. By this means I am disposed to think that Government will considerably lose, instead of gain, by the recovery of those men to public labour, and the settlement, in all probability, be again reduced to a state of distress and a dependence for bread on the mother country, a circumstance which I am extremely anxious to prevent. I could say much on this subject, my Lord, to show that if it is the wish or intention of Government to have this colony increase to a state of respectability, some encouragement must be held out to respectable settlers and industrious people of all descriptions. This can never be the case if it be the intention of Government to cultivate land enough for the maintenance of all the convicts sent here. The farmer will be labouring for a mere subsistence; he can never cloath himself and family if he has no market for his surplus corn, and if Government does not become his purchaser he can have no market. What then, my Lord, must be the consequence? A general indolence, a total inattention to farming, a dissatisfaction with their situation, and a desire to quit the country by every opportunity which offers.

1796.
28 April.

Encouragement
to settlers
necessary.

There can be very little doubt, my Lord, if we continue to improve as we have lately done, that farmers will be able to take the convicts off the hands of Government; it will therefore be painful to me to check that spirit of industry which at present prevails by depriving those whose endeavours have in a great measure been the means of that progress, lately made by the colony towards maintaining itself, of that assistance by which such improvement has been made, and before they are arrived at that state in which they can afford to take the labourers into their own keeping, to render them incapable of being able to do so. Their own interest, no doubt, prevails in their exertions; but, as I have formerly remarked, even in that way it is to the general advantage of the colony that it should be to a certain extent encouraged.

Whatever I have ventured to offer on this subject I hope your Grace will consider as proceeding from that motive only by which I should be governed—"an anxious desire to promote his Majesty's service"; for private views I can have none but those which proceed from the gratification I shall ever feel in having my conduct approved by his Majesty, and enjoying the good opinion of your Grace.

The difficulties I have had, and still have, to contend with, from a variety of causes, it will not be necessary that I should trouble your Grace with at present; some future opportunity may render it more convenient to communicate, and your Grace to consider

1796.
28 April.

Inspector of
public works.

them. I shall therefore mention only one circumstance, which should be communicated as early as possible, in order to your Grace having time to consider how it may be remedied. In my letter, No. 1, by the Young William (*viâ* Canton), I mentioned the situation to which Lieutenant-Governor Grose had appointed Captain John McArthur, of the New South Wales Corps—Inspector of Public Works. Such an assistant to the Governor is now become, from the great extent of the settlement, indispensable; but Captain McArthur having given in his resignation of that appointment, in consequence of its occupying the whole of his time, and no allowance having yet been granted him for his trouble, it now becomes vacant.* I wish I may be able to convince your Grace of the public necessity and advantage of such an appointment, and that it will be more properly attended to under the direction of a civilian than a military man, for it becomes extremely inconvenient to have military notions blended with duties of so very different a nature; it is a situation also which would be of much utility should the possessor have a considerable share of agricultural knowledge.

What your Grace observes on the conduct of the military at Norfolk Island I particularly notice, having had very lately but too much cause to complain of similar violence and outrage on the part of those doing duty here, the particulars of which it would be highly improper in me to suppress or keep from your Grace's knowledge; it will therefore be the subject of a subsequent letter.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 10, per transport Marquis Cornwallis, *viâ* India.†)

Sydney, New South Wales,

30 April.

My Lord,

30th April, 1796.

Health of
Lieut.-Governor
King.

Stores for
Norfolk Island.

Your Grace will receive by this conveyance letters from Lieut.-Governor King, in which he solicits permission to return to England for the recovery of his health, which I am exceedingly concerned to understand is very much impaired. In the month of March I despatched his Majesty's ship *Supply* to Norfolk Island, and forwarded by that opportunity such articles of their wants as we were capable of supplying. The Lieut.-Governor was desirous of having a certain proportion of salted provisions on the island, a circumstance in which I perfectly agreed with him, least from any accident their supply of swine's flesh should fail them. I therefore, by that opportunity, sent as much of that article as will compleat them to about eight months. They

* Note 289. † Note 286.

were also much in want of every kind of tools both for agriculture and for the use of artificers. In this particular we were not capable of assisting them, having none but such as we could from time to time manufacture ourselves for our own use. Slops, and every other store, of which we have had lately a supply, were also sent, as far as the quantity we had here would admit.

1796.
30 April.

I forward to your Grace a letter from Mr. Zachariah Clark, Deputy Commissary on Norfolk Island, requesting permission to return to England on account of ill-health.

Dep.-Commissary Clark.

I must beg permission, my Lord, to observe that the manner in which all the ships sent to this colony are chartered must ever be felt as a particular and distressing inconvenience to officers and others whose constitutions may have been impaired upon this service, and who from ill-health may be rendered no longer capable of their duty in this country. The charter-party of the ships is so settled that the day on which they are cleared of their cargoes here they are discharged from the service of Government, and prepare for a voyage under agreement with the East India Company either to China or some part of India, so that there cannot be the smallest chance or opportunity for a sick person to be sent home, unless they can afford to pay more for their passage than their whole pay during their service here might amount to, exclusive of the hardship, under such state of health, of a tedious and circuitous navigation. Allow me, my Lord, to suggest that, in order to remove the melancholy prospect which every officer of whatever description must constantly feel himself oppressed by, when overtaken by sickness here, of being either ruined in his circumstances in endeavouring to get home or remain here without any hope of recovery; that if it were ordered that a ship once in a certain period of time (suppose two years) were to be chartered so as to return from hence directly for England in Government's employ, instead of going to India, this hardship would be effectually done away, and a prospect opened for their yet reaching their native country in time to be furnished with such medical assistance as their malady might require. This, no doubt, will be attended with some expence, but humanity renders it unavoidable.

Want of direct communication with England.

I have forwarded for your Grace's inspection a paper containing a representation addressed to Lieut.-Governor King, from Mr. Thomas Jamison, the assistant surgeon on Norfolk Island, and I must beg leave to say, my Lord, that he does not complain without cause; his representation is strictly true. He served as surgeon's first mate on board his Majesty's ship, Sirius, under my command, upon this service, and was ordered to take charge of the medical duty on Norfolk Island, when first settled by

Petition from Surgeon Jamison.

1796.
30 April.

Petition from
Surgeon
Jamison.

Governor Phillip. I endeavoured to point out when I was in England that this gentleman's name had been confounded with that of a superintendant of convicts of the same name, and that he had received no better pay than the superintendant. His situation as surgeon's mate of the *Sirius* entitled him to full as much. I am of opinion, my Lord, that his Commission for his present appointment has been stated by mistake junior to the last two assistants sent here, both of whom have been but a very short time in the country, whilst Mr. Jamison has served upon Norfolk Island since 1788, and was appointed regularly by Governor Phillip as assistant surgeon in 1793. Governor King's opinion of Mr. Jamieson's merits I also inclose.

Resignation of
Surgeon Leeds.

Mr. Leeds, who came out in his Majesty's ship *Supply* as an assistant surgeon to the settlement, having written to me that his health is so impaired as to render him incapable of duty, and that he is of opinion if he continued longer in this country his life will be endangered, I have therefore permitted his return, and have appointed Mr. D'Arcy Wentworth,* who has officiated as an assistant in the hospital at Norfolk Island since the year 1790, to succeed, thinking his claim a very fair one.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

DEPUTY COMMISSARY CLARK TO THE RIGHT HON. HY. DUNDAS.

Sir, Norfolk Island, 3rd Novr. 1794.

Finding my Health much impaired from a Service of nearly Seven Years as Deputy Commissary of Stores and Provisions of New South Wales, and on this Island; I have to request you will permit me to return to England for eighteen months for the benefit of recovering it.

The Store Keeper at Phillipsburgh is very well qualified to do the Duty in my absence provided it meets with your Approbation.

I have, &c.,

ZACH. CLARK.

[Enclosure No. 2.]

ASSISTANT-SURGEON JAMISON TO LIEUTENANT-GOVERNOR KING.

Sir, Norfolk Island, 19th February, 1796.

My agent having informed me that a mistake had been made in the estimate about my salary, owing to there being another person of the same name on the island, who is a superintendant,† in consequence of which I had only been paid at the

Status of
Surgeon
Jamison.

* Note 290.

† Note 291.

rate of forty pounds per annum, and that my Commission was only dated from the 10th of October, 1793, which I am informed is later than either Messrs. Thompson's or Leed's, who are lately arrived at Port Jackson. As those mistakes are likely to affect me both in my *private circumstances and line of succession*, and as you are perfectly acquainted with the whole of incidents and my services in this colony, I have to request you will allow me to represent the disappointments I have experienced during a service of eight years under your command on this island, from which I hope you will allow that my hopes of a reasonable recompence for that service have not been successful hitherto.

Permit me to represent that I served in the Navy from the year 1780 untill 1786, when I was appointed surgeon's first mate of his Majesty's ship Sirius, then fitting out for this station. On my arrival in New South Wales, and your being appointed Commandant of Norfolk Island, I was directed by Governor Phillip to accompany you as assistant surgeon to that settlement, where I landed the 4th of March, 1788. Untill your return to England, in March, 1790, I had sole charge of the sick, stores, medicines, &c., and I presume I may say that my conduct during this period, not only in the immediate line of my profession, but also on many other occasions, met your approbation. On your departure I was superseded by Mr. Considen, assistant surgeon, and had leave to return to P. Jackson; but from the number of people that were then on this island, and many of those that were landed from the Sirius and Supply being sickly, in a consultation held by you, Lieutenant-Governor Ross, and Mr. Considen, assistant surgeon, I was requested to stay to assist that gentleman, which I complied with, and continued untill the return of Captain Hunter (our present Governor) in the Supply to Port Jackson. In Febr'y, 1791, I accompanied him with an intention to have returned to England, but on my arrival there, the colony being then in great want of ass't surgeons, the principal surgeon represented it to Governor Phillip, who, in consequence, appointed me assistant surgeon to the territory of New South Wales, on the 6th of March, 1791, an attested copy of which I transmitted my agent, desiring him to present it for confirmation. I returned to Norfolk Island by the first opportunity, which was in May following. Shortly after my arrival I was sent to the just-commenced settlement at Phillipsburgh, where I have continued as assistant surgeon untill Mr. Balmain's return to Port Jackson. On your arrival from Europe, Mr. Balmain, the senior assistant surgeon, accompanied you, and relieved Mr. Considen. Since the former has been recalled to Port Jackson the charge of the sick again devolves on me; and from the very great want of assistance to

1796.
30 April.

Status of
Surgeon
Jamison.

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30 April.

Status of
Surgeon
Jamison.

attend the different settlements on this island, and the number of settlers that are dispersed all over it, on their respective farms, together with my attendance on the detachment of the New South Wales Corps which does duty here, necessarily occasions me much additional attendance and fatigue that has greatly impaired my health, from the fatigue incident to the heat of the climate.

Now, sir, as you know the many disappointments and inconveniences which has attended my situation, and as you are perfectly sensible that the full salary of five shillings per day would not even procure the common necessities of life, from the extravagant price we are obliged to pay for every comfort imported at this island, as the ships from Europe or India always stop at Port Jackson first, where their cargoes are disposed of, so that we are often necessitated to purchase them at second hand, sometimes at the enormous rate of five hundred per cent.; and we are obliged to pay ten per cent. for agency. These are unavoidable expences which are annexed to the assistant who resides here, without any additional emoluments whatever.

Having now stated the many disappointments and inconveniences which has attended my situation, I trust you will not think me importunate in requesting you to lay my situation before his Excellency, with the further request that he would be pleased to take such steps as may appear proper to make his Majesty's Principal Secretary of State acquainted with my situation, and humbly hoping that I may receive my full salary from the time of my coming hither, and that I may enjoy that place in the succession to the appointment of Principal Surgeon, which I trust my conduct has merited. My being advanced in years and totally unprovided for induced me to take this liberty, and I trust a due consideration of those motives will plead my excuse and operate in my favour.

I remain, &c.,

THOS. JAMISON.

[Enclosure No. 3.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Norfolk Island, 19th February, 1796.

The enclosed is a representation from Mr. Thomas Jamison, assistant surgeon, stating some disappointments and inconveniences he labours under.

As I do not conceive myself warrantable in laying any application of that nature before the Secretary of State without your approbation, I imagine that the most proper mode of his request being attended to will be thro' your Excellency, in case you think it proper.

I have only to add that every circumstance contained in his letter is strictly conformable to truth, and that his services, both in the line of his profession and on other occasions at a time when I had no one to assist me, has ever met with my approbation.

1796.
30 April.

Status of
Surgeon
Jamison.

I have, &c.,

PHILIP GIDLEY KING.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Despatch per transport Marquis Cornwallis, *viâ* India.*)

Dear Sir, Sydney, N. S. Wales, 30th April, 1796.

I write this by the ship Marq's Cornwallis, which brought us some convicts from Ireland, perhaps as desperate a set of villains as were ever sent from that or any other country. We will endeavour, however, to manage them as well as may be necessary. The commander of this ship having purchas'd a farm which was partly clear'd, situated on the banks of the river Hawkesbury, has left several people upon it from his own ship, and a few of the convicts he brought out he has taken off the hands of the public, and seems determin'd to make his farm productive. He has left some live stock, tools of every kind, and, in short, promises fair to [become] really a respectable farmer. It would have been well for this colony cou'd we have early had fifty or a hundred such settlers, but many of those who have been permitted to fix are truly worthless characters, and very few of those sent out by permission of Government are likely to benefit the settlement. They seem, most of them, dispos'd to speculate in some way of no great advantage to the colony. I wish they were in their own country again.

Purchase of
farm by
Capt. Hogan.

The commander of the above ship (Captain Hogan), I believe, is a man of property and good connections. He mentioned to me that he lik'd the country and climate, and had some intention of making proposals to Government to be permitted to establish a store here, for the supplying with every article which may be wanted either the settlement at large or individuals. I have long wish'd that some steps cou'd be taken for this much to be desir'd purpose; it wou'd be a means of suppressing effectually that shameful imposition which has so long distress'd poor individuals who pay for every little article they may have now and then an opportunity of purchasing the most unjust and unreasonable prices.

Hogan proposes
to establish a
store.

It wou'd also be a means of introducing the manufactures of our own country in greater abundance into this settlement, and thereby lessen the speculations of Foreigners and adventurers from the East Indies.

* Note 286.

1796.
30 April.

Advantages of a
public store.

As Captain Hogan will have his proposals upon this subject to offer soon after his arrival in England, I will not trouble you farther than to observe that a public store for the sale of the various articles which are often wanted here, as well little luxuries as necessaries, would be felt by all ranks a very comfortable thing, and by a moderate or reasonable profit would prevent great inconvenience, much imposition, and often considerable distress and poverty.

I have encouraged his ideas by observing that, if his proposals were attended with moderation in point of profit, I thought it probable Government might listen to them.

I sincerely wish you long and perfect health, being with great esteem, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 11, per transport Marquis Cornwallis, *via* India.*)

Sydney, New South Wales,

My Lord,

30th April, 1796.

The indispensable necessity I find in every district of this colony of having a sufficient number of the best characters which can be selected to undertake the very fatiguing duties of a constable has rendered it at the same time as necessary that some reward or encouragement be held out to such people as may be employed in this office, as a stimulus to their exertions in preventing the robberies which have been, and still continue to be, so frequently committed amongst us. I have therefore inclosed for your Grace's information the rewards which I have promised to the inferior constables who patrol in the night and are constantly at call; but the chief (and there should be a chief constable in every district, who should be a free man) I am at a loss what encouragement to hold out to. His duty becomes very considerable, having the whole direction of the inferior constables, and is such as scarcely to leave him one hour in the twenty-four to himself. I must therefore beg to leave him to your Grace's consideration.

It would be highly pleasing to me, my Lord, were it possible to do without any of those situations which occasion the smallest additional expence to the Government; but I am satisfied that when your Grace reflects or considers the description of people we have here to manage you will not be surprised, or think the steps which I take to keep them in order unnecessary. In the district of the Hawkesbury, from which I have just arrived, and where everything wears a very promising aspect, as far as relates

Rewards to
constables.

to the different farms, yet there the want of a Justice of the Peace* to take immediate cognizance of all complaints, to direct punishments to be inflicted instantly on the offenders, and by his residence on the spot to keep order, is so very much wanted that I was under the necessity of taking the Judge-Advocate from his duty here to regulate complaints and disagreements relating to property, as well as to enquire into several robberies there. The number of officers in the civil department are now felt to be so very few that we have not a proper person to place there, and to undertake the duty of a magistrate; and the bringing the offenders from thence to be examined either here or at Parramatta takes a number of people from their duty for several days, besides an escort of constables to attend them on the road.

1796.
30 April.

The administration of justice at the Hawkesbury

I have, &c.,
JNO. HUNTER.

[Enclosure.]

ENCOURAGEMENT TO CONSTABLES.

ENCOURAGEMENT to people acting as Constables at Sydney, Parramatta, Toongabbe, and the Hawkesbury.

1st. Each to have an additional suit of cloathing annually, in order to their having at all times a more respectable appearance. Rewards to constables.

2nd. To have a pint of spirits served to each every Saturday.

3rd. To have the same ration served to them which is issued to the military and free people. N.B.—This does not relate to quantity, for that is the same to all descriptions of people, but in the particular articles, it being impossible to regulate that so as to avoid making some distinction; in such case the preference is given to the military and free people.

4th. Those who may have been sent to this country for seven years, and who shall officiate as a constable to the satisfaction of the magistrates of the district in which he acts for the space of three years from his appointment as such, shall be entitled to emancipation, and be at liberty to leave the settlement whenever he chooses.

5th. Those who may have been sent to this country for fourteen years, and who shall officiate as above for the space of seven years, shall be entitled to the same reward and advantages.

6th. Those who may have been transported for life, and who shall officiate as above for the space of ten years, shall be entitled to the above advantages and to conditional emancipation, *i.e.*, freedom in this country and liberty to become settlers.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1796.
30 April.(Despatch marked "Separate," per transport Marquis Cornwallis,
viâ India.*)Sydney, New South Wales,
30th April, 1796.

My Lord,

The Scottish
martyrs.

There having been certain persons† sent to this colony whose names had, at the time I left England, been much mentioned in public, and whose seditious conduct in their native country had brought upon them that sentence which had occasioned their removal to this, and as some changes amongst them have reduced the original number who had been landed here, I judge it necessary that your Grace should be informed of those people particularly, in order that no untrue reports of their situation in this country may be circulated by their friends or connections without its being immediately detected.

Escape of Muir
in the Otter.

An American ship named the Otter, commanded by Ebenezer Dorr, and belonging to Boston, having touched at this port to refresh his ship's company, and to have some small repairs done to the ship, being bound on a voyage to the north-west coast of America and China, after having been treated here with much civility, and assisted in his repairs as far as it was in our power to forward them, he, contrary to a very pointed article in the Port Orders, which he had received on his arrival, carried from hence several people, for whose embarkation he had not obtained any permission, and, amongst the number, Mr. Thomas Muir.

Arrival and
death of
Gerrald.

When the Sovereign, storeship, arrived here, I found Mr. Joseph Gerrald had been sent out in that ship. He was landed here in a very declining state of health, which rendered it necessary that he should reside in some quiet and retired situation. For this purpose application was made to me for permission for his purchasing a small house and garden (then to be sold) in the neighbourhood of Sydney, but so retired as suited the weakly state he was in. Permission was immediately granted for his residing in any place that might be convenient to his health. Here he saw his friends, and was visited by the surgeon, but he was soon pronounced to be in a rapid consumption, of which he died on the 16th day of March last.

Death of
Skirving.

Mr. William Skirving, a very decent, quiet, and industrious man, who had purchased a farm already cleared, and was indefatigable in his attentions to its improvement, just as the labour of the harvest was near over, was seized with a violent dysentery, of which he died on the 19th of the same month. There, there-

* Note 286. † Note 245.

fore remain of the five persons who were sent out under that particular sentence only two, Mr. Fyshe Palmer and Mr. Margarot, who live quiet and retired.

1796.
30 April.

Palmer and
Margarot.

Those who are now gone have been often heard to complain of the want of that attention from their friends in England which they had been led to expect, but of which they had not since their arrival here received any proofs whatever. They for some time after my arrival continued to live independent of the public store, and appeared to have little doubt, thro' the assistance of those friends, in whom they appeared to have much confidence, that they would be enabled to live without the aid of Government. They have, however, from the disappointment of expected supplies which they looked for by some of the several ships which had lately arrived here, been under the necessity of requesting that I would order them provision from the public store, which they now receive.

I have, &c.,
JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 12, per transport Marquis Cornwallis, *viâ* India.*)

Sydney, New South Wales,

My Lord,

2nd May, 1796.

2 May.

Upon the arrival of the ship Marquis Cornwallis in this port I received information, as mentioned in my letter, No. 8, from Mr. Michael Hogan, her commander, that a very desperate plan had been laid by the convicts, and was in considerable preparation, for seizing the ship and murdering the officers and ship's company during her passage to this country, and that this combination of villains was promoted and headed by a serjeant of the New South Wales Corps, who was embarked in that ship as a part of the guard intended for the security of the convicts. I directed such enquiry to be made into this affair as might enable me to lay the whole of this horrid transaction in as clear a light as possible before your Grace, which shall be done by the first opportunity after the departure of the above ship. All I can at present observe upon it is, "that the steps which were taken by Capt. Hogan, in conjunction with the two officers and soldiers embarked with him and the officers and crew of his own ship, as laid before me after the enquiry, appear to me to have been the only means which could have been used to save the ship and their own lives."

Attempted
piracy on the
Marquis
Cornwallis.

I have, &c.,
JNO. HUNTER.

* Note 286.

1796.
4 May.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch per Marquis Cornwallis.*)

Sydney, New South Wales,

4th May, 1796.

My Lord,

Arrival of
transport
Indispensable.

Just as I had closed my Dispatches which I forward by the ship Marquis Cornwallis, the Signal was made that a Ship appeared off the Port,—I have therefore to report to Your Grace the arrival of the Ship Indispensable with 131 Female Convicts all in good health, and also to acknowledge the receipt of Your Grace's Letter of the 30th October, 1795.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per transport Marquis Cornwallis, *viâ* India.*)

Sydney, New South Wales,

5th May, 1796.

5 May.

My Lord,

Allowances to
acting principal
surgeon.

I have just receiv'd the enclosed letter from Mr. Balmain, who officiates as principal surgeon to this colony in the absence of Mr. White, who is at this time in England. If the circumstance of which he complains has been correctly stated to him, and does actually exist, he has cause for uneasiness. It has hitherto been understood as a rule of Government that whenever any officer in the civil department has obtain'd leave of absence from his duty in this country some other person has been authoris'd to take upon him that service, and, as a compensation, he has been allow'd a moiety of the salary of that officer untill his return. This allowance, by Mr. Balmain's letters, appears to have been refus'd to him, which, if he has not been misinformed, is no doubt a grievance which it will require your Grace's directions to remove.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

ACTING CHIEF-SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir,

General Hospital, 5th May, 1796.

I have this day received a letter from my agents, Messrs. Clementson and Denton, dated the 8th of August, 1795, stating that in consideration of my doing the duty of principal surgeon in this territory, in the absence of Mr. White, the principal surgeon thereof, they had applied to Mr. Chinnery, the Colonial agent, for an addition of five shillings a day to my salary on that account; that Mr. White, who was present when this demand was

made by them, objected to it, and affirmed that he had at his own private expence engaged a person to assist me in the execution of my duty as principal surgeon.

1796.
5 May.

Allowances to
acting principal
surgeon.

I appeal to your Excellency whether such an affirmation is true, and whether Mr. White, in endeavouring to prevent my receiving what in common justice is my due, has not artfully cast an unworthy reflection on my ability to take upon me the charge in his absence.

I humbly hope your Excellency will be pleased to represent the justice of my claim to a moiety of Mr. White's salary for doing his duty, in common with the persons who are to officiate in the absence of the Judge-Advocate and Commissary.

Mr. White left this settlement early in December, 1794, from which time I am considered as acting in his situation.

I will not trouble your Excellency with any observations on Mr. White's motives in this transaction, but shall only add that I have ever felt equal to, and ready to perform with cheerfulness, every duty that has fallen to my lot in this settlement, and hope that your Excellency will use your influence with his Majesty's Principal Secretary of State to obtain redress for the injustice that has been done me. I have, &c.,

W. BALMAIN,

Acting as Chief Surgeon to the
territory of New South Wales.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch No. 3, per store-ship Sylph; acknowledged by Governor Hunter, 18th November, 1796.)

Sir,

Whitehall, 8th June, 1796.

8 June.

I have laid before the King Captain Paterson's letters—one of the 21st of March, 1795, and two of the 15th of June last.

The general state of the colony, and its progress and improvement, is a subject of great satisfaction to his Majesty.

In making such remarks as I judge to be necessary on some of the points mentioned in the letters before me, it gives me singular pleasure to find that the several instructions and directions which you have already received do, of themselves, sufficiently point out to you the proper correction of some abuses which at present exist.

The first of the above letters incloses a copy of one of the 4th of March, 1795, from Lieutenant-Governor King, whereby it appears that, notwithstanding the very great and abundant plenty of swines' flesh in Norfolk Island and its dependencies, he has given sixpence a pound for that article for the stores, for no

King's purchase
of pork
condemned.

1796.
8 June.
King's purchase
of pork
condemned.

other reason but because he was authorized to do so in the September preceding; whereas it was his duty to have made the best bargain for the publick, and to have proportioned his price to the plenty of the article. I must add, from the very rapid increase of hogs in that island, that the publick stock, under proper management, ought to have been infinitely more numerous. Altho' the general conduct of Lieutenant-Governor King is highly commendable, you will not fail to give him such instructions on the subject I have mentioned as may best and most effectually promote the increase of the publick stock and provisions. The like attention to the increase of the publick stock and public stores is equally wanted and equally necessary at New South Wales. The purchases from individuals have been considerable, and at extravagant prices, whilst neither the land in tillage nor the live stock belonging to the Crown bears a reasonable proportion to the strength which might and ought to have been employed upon its concerns.

Convict labour

It is observed in one of the above letters of the 15th of June that from the increasing number of settlers, and from the assistance which must unavoidably be given to this description of people, but few are left for tillage and other necessary works; whereas, from the number of convicts returned, it is evident that unless they are improperly employed by and on account of individuals at the expence of the public, by whom they are fed, there could not be such a want of hands as is here stated. The instructions, therefore, which you have received with respect to the employment of convicts appear to have been highly necessary.

Cattle *per* the
Endeavour.

Captain Paterson has not transmitted any regular list of the live stock belonging to the Crown landed from the Endeavour, and the number of cows she brought is left in his letter with a blank. I must observe that, where the increase of cattle was the main object, it seems strange that forty oxen should have been selected as part of the cargo.

Directions to
the master of
the Britannia.

As salted provisions alone were wanted, it appears to me that in chartering the Britannia, in case salted provisions were not to be had at the ports she was to touch at, the master should have been directed to procure some live stock, concerning which he appears to have had no directions whatever.

The steps taken by Captain Paterson for the protection of that part of the settlement which is on the Hawkesbury River, and for instilling into the minds of the natives a proper degree of respect and regard for the colony, appear to have been highly proper.

I take this opportunity to apprise you that it is intended to send about 300 convicts to New South Wales in the course of the next autumn.

You will receive this by the Sylph, which sails with the Prince of Wales. They carry out, for the use of the settlement, provisions and stores, conformably to the within invoice and list, all of which I hope will arrive safe and in good order.

1796.
8 June.

I am, &c.,
PORTLAND.

[Enclosures.]

[Copies of the invoice and list of provisions and stores per the Sylph have not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 13. per store-ship Britannia; acknowledged by the Duke of Portland, 31st August, 1797.)

Sydney, New South Wales,

My Lord,

10th August, 1796.

10 Aug.

Having occasion in my letter, No. 9, by the ship Marquis Cornwallis, to notice very particularly a paragraph in your Grace's letter of the 10th of June, 1795, which related to the conduct of the military serving upon Norfolk Island in 1794, and which gave me occasion to mention similar outrage having been committed by the soldiers here since my arrival, I signified in that letter that I thought it might be improper in me to suppress or keep from your Grace's knowledge that outrage, and that it should be communicated at a future opportunity. I therefore enclose for your Grace's information a paper, No. 1, containing the particulars stated in as brief a manner as possible. I forbear, my Lord, to make any observations upon this violent and extraordinary conduct on the part of the soldiers. I transmit only a state of the facts, leaving your Grace wholly uninfluenced by anything which I might have occasion to remark upon so daring a violation of the peace and order of the settlement, as well as in defiance of those laws by which that peace is to be preserved. But as an alteration in the ration had at that very time been ordered, I think it necessary to observe that their temper at the moment was so violent that they positively refused to take it unless they were served all flour, instead of part flour and part corn, a desire which could not be complied with without manifest injustice to others, and also insisted upon being paid short-allowance money for the time they were on short ration, which they say Governor Phillip had promised them. This last demand I must request your Grace's instructions upon.

Conduct of the
military.

The case of
John Baughan.

The paper No. 2 is the Public Order which I gave out immediately after the outrage; No. 3 is a copy of my letter to the com-

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10 Aug.

The case of
John Baughan.

manding officer of the corps upon that occasion; and No. 4 is a paper which was intended to quiet the minds of the inhabitants of the settlement, who might naturally (if no steps were taken to punish the offenders in this case, nor any particular notice be taken of the offence committed by them) conceive themselves subject to such violence and oppression from the military whenever any soldier might think fit to take offence at them. These papers are all which I think it necessary to trouble your Grace with upon this occasion, as the facts will best speak for themselves, and prevent the possibility of a conjecture that any unfair representation could have been intended.

Method of
recruiting the
N.S.W. Corps,
and its effect.

I should feel myself deficient in that duty which I owe to his Majesty's service in this part of the world were I not to take a liberty which I have no reason to believe your Grace will be offended at—I mean, in remarking that the manner in which this corps has, since employed upon this service, been recruited does in a great measure weaken the effect or service which we would expect to derive from the assistance of the military. Soldiers from the Savoy,* and other characters who have been considered as disgraceful to every other regiment in his Majesty's service, have been thought fit and proper recruits for the New South Wales Corps, which, in my humble opinion, my Lord, should have been composed of the very best and most orderly dispositions. They are sent here to guard and to keep in obedience to the laws, when force may be requisite, a set of the worst, the most atrocious characters that ever disgraced human nature; and yet we find amongst those safeguards men capable of corrupting the heart of the best disposed, and often superior in every species of infamy to the most expert in wickedness amongst the convicts. Our stores, provisions, and granaries must be intrusted to the care of those men: what security can we have in the hands of such people? None, my Lord. Your Grace will see the impropriety of such recruits being sent to this country, and mixed with a corps who have the care of our most valuable concerns. Not to detain your Grace, I will beg permission to observe that a corps of military to be permanently established for the service of this colony, to which the dregs and refuse of our native country are directed by its laws to be sent as a punishment, cannot be attended with that advantage which may have been expected from it. This, I confess, my Lord, to be my opinion, and for this reason, that they will make connections with infamous characters here, whatever attention may be paid by their officers to prevent it; by this means they will in time be corrupted and rendered unfit people for the trust which we must repose in them. It might probably be thought expensive to relieve them,

* Note 293.

as other garrisons, once in three, four, or five years; but I cannot help believing, my Lord, that the service would be much benefited by such a measure; and two forty-four-gun ships, armed *en flute*, sailing at a proper season, would compleat the relief, and return in from twelve to fourteen months, frequently less. The expence attending this measure will probably be an objection; but, my Lord, although the saving to be made by it may appear too remote to merit immediate notice, yet I am convinced it would ultimately prove a saving, and no inconsiderable one.

The officer who will have the honor of delivering this dispatch (Captain David Collins, of the Marine Corps), having served here as Judge-Advocate to this colony, is a gentleman particularly qualified to afford your Grace every information which you can desire relative to this country, he having continued in it from its first establishment up to this period. His leave to return to England, which he had obtained some considerable time past, he has not had it in his power to avail himself of, because of the consequence which each successive commanding officer considered him of to these settlements. By this means he has been detained here, and has thereby lost his rank in the corps of which he was an old officer, and which now must have been very respectable. But I earnestly hope that his Majesty will, in consideration of his services here, restore him to the situation he would have held, could he have been permitted to have left this country sooner. The colony now, my Lord, will suffer exceedingly in the department of the law during his absence. I hope, therefore, if this gentleman does not return, a circumstance which will give me much concern, that the situation of the Judge-Advocate may be made worthy the acceptance of some respectable professional man; for we begin to have so much business to attend to in this department that it very much increases the duties of the Governor, as well as of every other magistrate.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

STATEMENT OF THE CASE OF JOHN BAUGHAN.

JOHN BAUGHAN, who officiates as foreman of the carpenters working at Sydney, and a private soldier of the New South Wales Corps, of the same profession, had some dispute when formerly working together on an occasion where Baughan had the direction. This dispute, it appeared, had not subsided in the mind of the soldier, and probably was not wholly forgot by the other. It, however, was more conspicuous in the soldier, from the following circumstance:—One day when sentinel over a storehouse, knowing that Baughan was at work in a house some distance

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Departure of
Captain Collins.

The case of
John Baughan.

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The case of
John Baughan.

from his post, he set his arms down against the wall of the store, and seeing a man whom he knew standing on the outside of the building in which Baughan was at work, entered into a conversation with him, of which Baughan was the subject, and in which much abuse was bestowed, which it was meant he, Baughan, should hear. Baughan went out at the back door unperceived, and seeing the soldier without his arms, went to his post, where he found the musquet, which he took up and carried to the guard-house, and delivered to the serjeant of the guard. The soldier was, of course, taken notice of and relieved, being without his arms. The next day, 5th February, at half-past nine o'clock in the forenoon, the whole of the corps off duty at this place assembled, and in the most public and tumultuous manner proceeded to the dwelling of John Baughan, broke open his gates, doors, and windows, entered his house, chopped the corner-posts of it, broke his bedsteads and bedding, chairs, window-frames, drawers, chests, and, in short, completely demolished everything within his possession to a considerable amount, for the man had, by great labour and industry, built himself a neat house, and had it well furnished.

Upon their first approach, having had a few minutes' notice, he armed himself with a loaded gun and defended himself by threats for some time, but their numbers were so many that they surrounded his paling which inclosed the house, which some tore down and entered on the opposite side to that which he endeavoured to defend, came behind him, secured and threw him down, with his face to the ground, whilst one held an axe over his neck, and swore if he offered to stir he would chop the head from his body. During the time he remained in this situation they completed the ruin of his whole property, to the very great terror of the man's wife, after which they went off cheering, as if something meritorious had been effected, and marched in a body cross the parade before their commanding officer's house.

After so daring an attack, in the open day, upon the dwelling-house of an inhabitant, and in direct defiance of all law, civil or military, they could only be considered as in a state of mutiny. I immediately issued in Public Orders the paper No. 2.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDER.

5th February, 1796.

Parole—Milbrook. Countersign—Cawsand.

THE very riotous manner in which the soldiers have conducted themselves this morning, and the very unwarrantable liberty they have thought proper to take in destroying the dwelling-house of

John Baughan, is so flagrant a crime against the laws established in this colony that nothing but the want of proof to substantiate who the principal actors in this disgraceful business were could possibly prevent their being immediately tried for so glaring an offence against the peace of the colony.

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John Baughan.

The Governor thinks it necessary to assure the soldiers that he considers their conduct upon this occasion to have been disgraceful to the character of a British soldier, and that he did hope to have found men amongst them who would have had pride enough to have stood forward and pointed out the ringleaders of so mutinous a conduct, for in no other light can it be considered than that of mutiny when the military assemble in such numbers unknown to their officers, who are at all times ready to listen to any complaints they may have to make, and to see that agreeable to common justice they are redressed. If the soldiers expect that the Governor or any of the officers in this settlement can hereafter consider them as hereafter meriting the honorable appellation of British troops, it must be by their bringing forward the ringleaders or advisers of this disgraceful conduct, in order that the stigma may be wiped away by such worthless characters being brought to trial for this shameful conduct.

[Enclosure No. 3.]

GOVERNOR HUNTER TO CAPTAIN PATERSON.

Sir,

Sydney, 7th February, 1796.

Since I saw you this morning I have turned in my mind the subject of our conversation, and I have in consequence chang'd my intention of speaking to the soldiers myself. I see that it wou'd be a condescension on my part which their violent and unsoldierlike conduct does not entitle them to from me. I stand in this colony as the Chief Magistrate, and the representative of our Sovereign; anything, therefore, that could lessen me in the eye of the public would be degrading the King's authority, which shall never suffer in my person whilst I am capable of giving it its full power and consequence. I never can or will listen to the complaints of any set of men who feel themselves above preferring them with moderation, and a decent submission to the laws and regulations of the colony; they must not—they shall not—dictate laws and rules for the government of this settlement; they were sent here by his Majesty to support the civil power in the execution of its functions, and to direct it in whatever way best may suit their own views.

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10 Aug.
The case of
John Baughan.

Their violence upon the late occasion shall be laid before the King, and the principal actors in it shall be pointedly mark'd, in order that justice the most perfect be done to everyone concerned in it. I must declare to you, sir, that the conduct of this part of the New South Wales Corps has been, in my opinion, the most violent and outrageous that was ever heard of by any British regiment whatever, and I shall consider every step they may go farther in aggravation as rebellion against his Majesty's government and authority, of which the most early notice shall be taken, and those concerned be in due time obliged to answer for it, most probably with their lives. This is all I think it necessary to trouble you with. Their conduct will be pointedly mark'd thro' all its stages, and I will be firm and resolv'd in such steps as it may be necessary for me to pursue, and of this you, as their commanding officer, will be pleas'd to inform them.

I am, &c.,

JNO. HUNTER.

[Enclosure No. 4.]

GOVERNMENT AND GENERAL ORDER.

14th February, 1796.

Parole—Earl. Countersign—Fitzwilliam.

As from the violent and unwarrantable manner in which that part of the New South Wales Corps doing duty at Sydney conducted themselves on the 5th instant, in the destruction of the dwelling-house and all its furniture belonging to John Baughan, it is natural enough in every inhabitant of this colony (should such conduct be suffered to pass unnoticed) to entertain apprehensions for the safety of their persons, and the preservation of their habitations, whenever any private soldier shall think proper to consider him as a person deserving chastisement, the Governor thinks it necessary to publish in this manner to the inhabitants of all the districts of the colony his reasons for not having, agreeable to his first determination, carried on the most serious criminal prosecution on the part of the Crown against the offenders in this shameful transaction. A warrant having been issued for the apprehension of four of these men concerned, whose persons were known and had been deposed to, he was prevailed on at the instance of the officers to suspend for a short time the execution of the warrant, in order that the men might be paraded and spoken to by their officers, as well as to hear a letter read which the Governor had written to their commanding officer upon the subject of this disgraceful conduct, signifying his Excellency's determination in consequence of it. A message was then

brought to the Governor by Captain McArthur in the name of the corps, expressive of their contrition, their sincere concern for what had happened, promising at the same time that they would endeavour by their future conduct to wipe away the odium which this recent instance of disorder and want of respect for the laws, the peace, and order of the settlement had brought upon them; they also agreed to indemnify the sufferer for his loss. Upon receiving this message by the above officer, and by the personal petition of the sufferer, John Baughan, that the warrant of apprehension might not be executed, the Governor ordered it to be withdrawn; the consequences would otherwise most probably have been fatal to some. The Governor takes this opportunity of assuring all persons resident in every part of his Majesty's territory over which he has the honor to preside that his determination is to preserve the peace, order, and tranquility of these settlements by every means which the laws can furnish. And as it has been intimated to his Excellency that many of the convicts take opportunities of shewing a degree of insolence to the military which is on no account to be suffered, he assures them that those who shall presume to act in such manner shall be punished in the most exemplary way.

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10 Aug.

The case of
John Baughan.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch No. 4. per transport Ganges to the Cape of Good Hope, thence per H.M.S. Supply; acknowledged by Governor Hunter, 25th June, 1797.)

Sir,

Whitehall, 11th August, 1796.

11 Aug.

I have laid before the King your letters to me by the Young William, of the 25th of October last, numbered from 1 to 5 inclusive, with one (separate) of the same date, which were received on the 9th inst.; and I am so fortunate as to be able to send you an answer to such parts of them as appear to require it by the Ganges, transport, which is upon the eve of her departure, with two hundred and four male convicts, for your settlement.

Despatches
acknowledged.

The present flourishing state of the settlement is a subject of great satisfaction to me; and I have not now the smallest doubt but that by means of your care and attention in procuring and breeding live stock a very short time will suffice to render a supply of salt provisions wholly unnecessary. Altho' I perfectly agree with you that the encouragement given to settlers and other individuals is the surest and most expeditious way of promoting the agriculture of the country, inasmuch as it holds out a personal motive for exertion, I must remind you that, at

The problem of
assigned
servants.

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11 Aug.

the same time, the interest of the publick must not be lost sight of, and that it is not reasonable that the publick should feed those convicts whose labour it gives to individuals, and should afterwards purchase the produce of that labour. Nothing ought to be more reconcileable than the public interest of every State and that of the individuals who compose it; and, as that union must be the consequence of proper management, I am persuaded it cannot be more likely to be effected than in a country the government of which is placed in your hands. The more convicts that can be made over to individuals and taken off the store the greater will be the advantage; but it must be understood that those individuals, of whatever description, and in whatever situation they may happen to be, who take the convicts, must support them at their own expence, and must not be suffered to receive the produce of the labour of the convicts at the cost of the Crown; and as for such convicts as remain unemployed by individuals, they must, of course, be employed in the manner the most conducive to their own subsistence, without regard to the operation it may have on the relative value of the produce and effects of individuals.

Shipments of
salt provisions.

The several quantities of salt provisions which have been sent in the transports mentioned in the margin,* and of which you have received invoices by my letters of the 30th of October and 8th of June† last, added to what will now go out in the Ganges (of which I shall herewith transmit you the particulars), will form altogether a supply for the settlement for the whole of the year 1797, at least, exclusive of what may be obtained in consequence of the engagements entered into with the master of the *Britannia*, and of the resources of the settlement in respect to fish (which I trust can be salted) and other species of provisions, besides grain. The great superabundance, moreover, of several articles of provisions at Norfolk Island will allow of your drawing from thence such a proportion of them as that part of the settlement can spare. In short, you are to resort to every practicable measure for relieving this country from the very great expences incurred both in sending wet provisions from hence and in purchasing them from other quarters, the latter of which, I take it for granted, will never again be necessary.

New British
possessions.

In the hope of enabling you to employ the ships under your command to the best advantage in stocking the colony with live cattle, it is with particular pleasure I inform you that the

* *Marginal Note.*—*Ceres* sailed from Deptford the 22nd July, 1795. *Marquis Cornwallis* sailed from Cork the 7th August, 1795. *Indispensable* sailed from Deptford the 22nd October, 1795. *Prince of Wales* and *Sylph* sailed from Portsmouth the 27th June, 1796.

† Note 294.

Cape of Good Hope, the Island of Ceylon, Cochin, and the Dutch Settlements in Malacca, now make a part of his Majesty's dominions.

1796.
11 Aug.

In consequence of what you represent to me in No. 2, that there is a want of sufficient number of officers to attend to the several duties and to hold Courts under the Act of Parliament, I will take into immediate consideration the means you propose to remedy this evil. To guard, however, against any immediate deficiency, an ensign will accompany thirty privates, who will go by the same conveyance as this dispatch, and another ensign will follow in the Britannia, hereafter mentioned.

Additional
commissioned
officers to be
sent out.

Your conduct with respect to those persons whose sentences of transportation being expired have been permitted to take themselves off the victualling store is perfectly right. I must observe to you, however, that they should not be suffered to commit such serious offences as you mention, with impunity; and that neglect in bringing them to justice cannot but endanger the tranquillity, good order, and security of the whole settlement.

Expires.

In consequence of your representation in No. 4, that further surgical assistance is wanted, I have signified to Mr. White the absolute necessity of his returning to the settlement immediately, or of his relinquishing his appointment. This circumstance, however, will not prevent my looking out for a proper person, at all events; and I flatter myself that I shall be able to send you, by the present conveyance, an assistant surgeon in the room of Mr. J. Irving; and another by the Britannia, transport, destined to carry two hundred convicts from Ireland, and which will very shortly proceed to Cork for that purpose with a guard of thirty men and an ensign.

Changes in
surgical staff.

A supply of medicines of the best quality, from Apothecary's Hall, was sent in the Indispensable, with a proper invoice, inclosed in a letter to you from Mr. King, of the 5th of November last.

Medical stores.

Mr. Thomas Clarke, superintendant of convicts, may be discharged, and have leave to return home; and you are at liberty to continue Mr. Walter Broady in his present employment of superintendant of the working smiths so long as you shall judge it necessary.

Superinten-
dents.

In the next year's estimate of the civil establishment of New South Wales I shall propose an additional Deputy Commissary and two additional storekeepers to be provided for. At the same time I rely on your making every practicable retrenchment, and that you will relieve the establishment from the expence of every useless and unnecessary person now employed, who should be

1796.
11 Aug.

discharged and sent home immediately if on the regular establishment, and if employed under a contract or agreement with Government, then as soon as ever the time for which such person was employed is expired.

Shipments of
beef and pork.

The Ganges takes out 121,289 pounds of beef and 40,522 pounds of pork for the use of the settlement, exclusive of the necessary quantity for the consumption of the convicts during their voyage, and for nine months after their arrival. The above quantity of beef and pork, added to the quantity sent by the Prince of Wales and Sylph, transports, is calculated as making together a twelve-month's supply for the settlement.*

I enclose you a list of the convicts which go by this conveyance, with the original contracts entered into by Thomas Patrickson, the owner of the Ganges, for their safe delivery in New South Wales, together with his Majesty's Order in Council for the transportation to New South Wales of such of the convicts whose sentences required such order.

No power to
detain expirees.

In a letter I have received from Lieutenant-Governor King, dated the 5th of October last, he informs me that some convicts whose terms of transportation have been long expired, and who have always conducted themselves with propriety, have felt much disappointed in not being allowed to leave the island in the Asia, which he says he could not permit without departing from Lieutenant-Governor Grose's orders. I therefore desire you will not lose a moment's time in informing him that in cases where the terms for which convicts have been transported are expired the law has not vested him with any discretionary power whatever, and that it is his duty to permit such convicts to depart whenever they chuse it, unless they happen to be legally detained in consequence of some new offence.

Balmain
appointed
principal
surgeon.

Since writing the above, his Majesty has been pleased to appoint Mr. Balmain chief surgeon, in the room of Mr. White, who declines returning to the settlement, and I hereby acquaint you that his Commission may be taken out by any person he may appoint for that purpose. His Majesty has also appointed Mr. Mileham an assistant surgeon. That gentleman goes out in the Ganges, and has the medical care of the convicts.

PORTLAND.

[Enclosures Nos. 1, 2, and 3.]

[Copies of these papers have not yet been found.]

* Marginal Note.—	Prince of Wales...	111,216 Beef	261,678 Pork.
	Sylph	245,280	243,840
	Ganges.....	121,289	40,522
		<hr/> 477,785	<hr/> 546,040

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1796.
15 Aug.

(Despatch marked "Separate," per store-ship *Britannia*; acknowledged by the Duke of Portland, 30th August and — September, 1797.)

My Lord, Sydney, New South Wales, 15th August, 1796.

The *Britannia*, storeship, from Bengal, arrived here on the 11th of May, with 957 tierces of salt provisions and a small quantity of rice. This ship had been chartered by Captain William Paterson, of the New South Wales Corps, who succeeded to the command here, after the departure of Lieut.-Governor Grose, and for the purpose of procuring from the East Indies as much salt meat for the use of the settlement as her commander might have an opportunity of providing, the store of that article having been entirely expended.

Arrival of
store-ship
Britannia.

By this ship I received two letters—one from the Governor-General in Council, the other from the Military Department of Bengal—and of which the inclosed are copies. These letters were delivered to me by an officer sent hither for the management of the service which is the subject of them. I beg leave to observe to your Grace that the reduced state of our strength in the colony at this time is such that much of our cleared ground will this year lay unwrought; and the idea of an officer having arrived for the purpose of recruiting for the army in the East Indies having gone forth amongst the convicts, as well as free people, I soon found that many of the settlers were determined to quit their farms and enlist for that service. Such, my Lord, is the restless and idle disposition of many of those people, who are in this country really comfortably settled, and might, were they inclined to industry, live in happiness and provide for a family; but the prospect of a change, and the allurements which are generally upon such occasions held out to captivate the ignorant, would have induced many to quit the colony, and leave their families a burthen upon the public. Finding this the disposition, and foreseeing the ill consequences which would have ensued to the settlement under its present circumstances, I judged it necessary to refuse my sanction to the service of recruiting of troops from this colony until I could receive his Majesty's commands on that subject. To that effect I wrote a short letter to Sir John Shore, by a ship at that time about departing from hence for Bengal. I must, at the same time, my Lord, take the liberty of observing that upon some future occasion it might perhaps answer a good purpose to allow such as have served their term out in this country, and who are of an idle and unsettled disposition, to

Recruiting for
the Indian
army.

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the Indian
army.

enlist for the army of the East Indies, in preference to their returning to their old habits in their town. Many of them would probably make better soldiers than farmers, and it might perhaps answer to the Company the expence of sending a ship from Calcutta once in two years for such purpose. I shall be anxious to know, my Lord, whether my determination in this instance may have met your Grace's approbation.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

[A copy of the letter of the Governor-General in Council has not yet been found.]

[Enclosure No. 2.]

BENGAL MILITARY DEPARTMENT TO GOVERNOR HUNTER.

Sir, Fort William, Calcutta, 11th January, 1796.

We have the honor to address you by Captain Raven, of his Majesty's storeship *Britannia*, who proceeds from hence with part of a cargo of salt provisions for the use of your settlement, which we hope he will complete at Madras, having received every assistance and interference of this Government for that purpose.

The very reduced state of the European troops, artillery and infantry, on this establishment, and the little probability of our receiving any considerable supply of recruits from England during the war, has induced our Commander-in-Chief to suggest the expediency of endeavouring to recruit our European corps from among the men whose time of servitude may have expired at your colony; and the encouragement we have had to believe, from our enquiries of Captain Raven and others, that a number of stout young men may be obtained among them, induces us to wish to make the experiment, provided it meets with your sanction and support, which we are inclined to hope it will, as the plan comprises two objects of great national importance: First, in the additional security it may afford to the British possessions in India, by keeping up our European force; and secondly, by holding out a future profession and pursuit to a class of men in which they may become useful to their country, instead of returning to those habits and practices which first occasioned their expulsion from it.

On consulting with Captain Raven, we find that if your concurrence be obtained, and provided you have no immediate service on which his ship can be more usefully employed, he is

willing, after receiving his discharge from the service of Government, to proceed with 200 recruits to Bengal, where we have agreed to allow him £12 a man for the passage and subsistence of each recruit he may land at Fort William.

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Recruiting for
the Indian
army.

It would have been satisfactory to this Government to have consulted your opinion on the probable success and eligibility of the plan before any steps were taken to put it into practice; but as a considerable time must have elapsed before we could have been favoured with your answer, we have thought it most desirable to make this provisional arrangement with Captain Raven, and have also availed ourselves of his offer to afford accommodations to an officer of this establishment who proceeds in the *Britannia*,* furnished with instructions for the recruiting service, which he will have the honor to lay before you, together with a surgeon* who has offered to proceed also by the above conveyance, to attend the recruits on their passage to Bengal.

We have only to add that if the measure promises on trial to be productive of the advantages we expect from it, and that the people show a disposition to enter the Company's service on the terms and under the restrictions which the recruiting instructions will specify, we should wish you to take advantage of any other vessels coming to Bengal for cargoes to send us as many recruits from time to time as may be procured, and we will make the same allowance to the owners for their passage, and subsistence as to Captain Raven, and will engage to pay the bounty-money on the arrival of the recruits in Bengal.

We have, &c.,

J. SHORE.

ROBT. ABERCROMBY.

P. SPEKE.

WM. COWPER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Letter marked "Private," per store-ship *Britannia*.)

Sydney, New South Wales,

My Lord,

20th August, 1796.

20 Aug.

With this your Grace will receive a chart† which I have constructed wholly for the purpose of shewing more clearly than any written description possibly can the particular situation of our principal cultivation in this colony. I do not mean, my Lord, to mark every little farm nor to point out the dimensions of the cultivation generally; it is only my wish that your Grace shou'd at one view comprehend how the different districts are

A chart of the
farm lands.

* Note 295.

† Note 123.

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situated with respect to each other, not only in direction, but in point of distance nearly. As this chart is intirely a work of my own, and not intended as an official representation, I hope it will apologise for the liberty I take in writing your Grace a private letter. My chief design is to give your Grace a more correct general idea of this colony than cou'd be given by any other means.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(A private letter, per store-ship Britannia.)

My Dear Sir, Sydney, N. S. Wales, 20th Aug., 1796.

Departure of
Judge-Advocate
Collins.

This will be handed to you by Capt. David Collins, of the Marine Corps, who has held the appointment of Judge-Advocate to this colony since its original establishment, and in whose departure from hence this settlement loses a most valuable and excellent officer. You cannot conceive, sir, how very much this settlement will suffer in the department of the law by this gentleman's return home, a department in which we have begun to have much business to transact, a circumstance which very much increases the dutys of the Governor, and must in time render his situation truly irksome if the office of Judge-Advocate to the colony is not made a situation worthy the acceptance of some respectable professional man, on whose knowledge and ability he can with confidence rely.

The administra-
tion of the
laws.

Departure of
Commissary
Palmer.

As the Commissary (Mr. Palmer) will avail himself of the leave of absence which I brought out for him, and will return to England by the same conveyance of which Capt. Collins will take the advantage, I beg to refer you most particularly to those two gentlemen, who have not been absent from hence since the establish't of the colony; they are capable of giving you information on every point in which you can desire to gain it relative to this country, and I can venture to say that I believe they will not deceive you. Mr. Palmer will require but a short time in England, and means to return with his family. I wish I cou'd say that I also expected the return of the same Judge-Advocate. He has certainly sacrifis'd much thro' his being so usefull and necessary here. He has been refus'd permission to return, agreable to his leave long since received from home, because it was consider'd the colony wou'd suffer by his absence; he has thereby lost his rank in the corps of which he is an old officer, but it will

probably be in the power of his Majesty's minister to give it him, and I can say that he well deserves such attention from his public services here.

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I appoint a gentleman (Mr. James Williamson) whom I brought from England with me to act in the absence of Mr. Palmer. He is well qualified to fill that situation in the Commissary's absence, being particularly correct in his knowledge of keeping books and accounts, and very active and diligent. As we are exceedingly distress'd since the extension of our settlement for more assistance in the Commissary department, I took the liberty of recommending to you Mr. Williamson as a Deputy Commissary; we are much in want of one to attend to the concerns of that department at Parramatta, Toongabbe, and the Hawkesbury.

Appointment of
Acting Commis-
sary Williamson.

Give me leave to assure you, sir, that those who have been out of this country for three or four years know no more of it now than if they had scarcely ever seen it; you will know much more from public correspondence. Their opinions, therefore, are by no means what ought to influence the mind of Government in what may relate to this country in its present state. For some years after this settlement was establish'd it was an easy task for the commander-in-chief to visit every part of it in the course of a few hours, but it is widely different now; he cannot, were he in continual motion, do it now in as many days. We extend more than 40 miles in one direction, exclusive of a chain of farms for 20 miles along the banks of the Hawkesbury, and many on the different branches of this extensive harbour. In short, sir, no one man, whatever might be his strength and activity, cou'd attend the whole of this colony as often as may be requisite without some respectable assistant or responsible person to look over the distant districts. I am so fully determin'd to do all in my power that I will have no private concern of any kind to take up my attention. I have not, nor will I have, any farm on my own account, as other officers have. It shall not be in the power of any one to say that the time which ought to have been devoted to the service of the public had been applied to private advantage, or that in recommending the assistance which I have done to the civil and military officers, agreeable to the plan of L-Gov'r Grose, I had myself in view.

Expansion of
the colony.

I am concern'd to assure you, sir, that in many of those people recommended to Govern't at home to fill little offices here much imposition has been practis'd. It would be far less expensive to the public if, when any particular work is wanted, the Governor for the time being were allow'd to offer some little pecuniary reward to some of the ingenious people who are sometimes to be

Incompetent
officials sent
out.

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found here, whether convicts or free; such particular work might in this way be accomplish'd without the burthen of a sallery. The millwright and miller, one at 100 gns. and the other at 50 gns. a year, are sad impositions, and I have no opportunity of sending them home for want of a ship going from hence immediately to England in the service of Government. Convicts who have a profession which might be highly serviceable in any case of immergency wou'd not be so cautious to conceal their ability if it was such as might be applied to the superintending any very necessary work, and be allow'd a little reward for their ability and exertion; we shou'd in this way save some of those ill-bestow'd sallerys. Mr. Leeds is as unfortunate an imposition as any which could be sent here; he is the most incorrigible drunkard I ever beheld, and must be sent home, for he is of no sort of use, whilst we suffer much in the surgeon's department. He has just written to me that his health declines so rapidly that he thinks his life in danger. I have therefore ditermined to send him back; and as he has not done any duty for a considerable time, I have appointed a very deserving man, Mr. D'Arcy Wentworth,* to succeed him. His claim is a fair one, having been assistant at the hospital on Norfolk Island ever since the year 1790.

George
Barrington.

I will whilst I am writing mention one man to you, who, to speak my sentiments of him, I must say appears to me to be one of the most zealous on public duty, and one of the most exemplery in private life of any within the colony—Mr. Geo. Barrington,† I mean. Well has he since in this country deserv'd for his services some extraordinary encouragement, but we have none to give. I wish, if he continues after his time is expir'd, I cou'd do something which might induce him to stay (it is near expir'd), but he has not hinted any intention of quitting the country. I am, however, of opinion he will, for he cannot obtain as much here as will purchase cloaths for his back. He has constantly done the duty of chief constable at Parramatta, and in that office has been indefatigable in keeping the public peace and in guarding private property. It is much to be regretted that a man of this description, because once having offended the laws of his country, shou'd be ever afterwards consider'd as unworthy its favour.

Judge-Advocate
Hibbins.

I have long ago sent Mr. Hibbins‡ the Judge-Advocate of Norfolk Island to his station, and having since receiv'd the Patent authorising the convening a Court of Criminal Judicature there, I have also forwarded that, so that there is now full power on that island for trying criminal offences, and I hope everything in that department may turn out well. You will receive letters from Mr.

* Note 290. † Note 296. ‡ Note 297.

Hibbins by the ship Marquis Cornwallis, by which I forwarded them. He seems much dispos'd to indulge you frequently with long letters. I hope you may find them such as to merit a careful perusal.

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Permit me, Mr. King, to repeat and to assure you that I see with concern how very frequently Government is impos'd on in many recommended for appointments in this country, where we ought to have people in the different offices of the most exemplary conduct. You will not, I hope, suppose that I allude to any particular person. I speak chiefly of inferior appointments. You can have no idea of the mischief it leads to, and the distress which it will ever occasion to those who may have the principal direction, who, considering the class or description of people he has to manage, ought to be ably assisted and supported; if he is not, it must oblige him to send home many matters for decision which might and ought to be settled here, and thereby avoid giving that trouble to his Majesty's minister which must otherwise be the consequence.

Incompetent
officials.

Were I to enter as fully in my public letters on the difficultys I have had since my arrival, and still continue to have, to contend with as I might do, it might be thought that I complain'd more than I shou'd. If I do complain, be assur'd, sir, that it is not without cause. I have had much vexation at finding some of the public concerns not exactly in the state I hop'd and wish'd they shou'd have been. Extensive cultivation and good crops, speaking generally, but not a barn, granary, or storehouse, wherein to preserve those crops even thought of yet. No mechanics in the colony to erect them; most of the convicts out of their time, and discontented at being hinder'd a single day from providing for themselves; in short, I am apprehensive that great part of our bountifull harvest may be lost. Our boats gone to ruin and decay; hutts or houses, formerly the property of Government, leas'd away, and continual applications making to me to furnish others for those who are intitled to them. But I will not fatigue you. I only hint those few circumstances to satisfy you that there does exist great ground and cause for vexation. I shall, however, persevere in my endeavours to lead everything into the channel thro' which it shou'd pass, and to bring into some kind of order that mass of confusion which at present surrounds me.

Hunter's
difficulties.

Having a considerable number of distress'd invalids in the colony who are a deadweight upon us, I have thought fit to charter the Britannia, storeship, to proceed direct for England. Shall therefore avail myself of that conveyance for sending away

Store-ship
Britannia
chartered.

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all those whose contract or agreement with Government is expir'd, and thereby get rid of some expence which might otherwise continue for we know not what time.

I intend, if possible, to send a cage of birds for you by this ship, and I have to request that you will divide what may survive with Sir Charles Middleton,* to whom I have promis'd some.

I am, &c.,

JNO. HUNTER.

I have had another cage made and sent to Sr. Chas. Middleton, addressed to himself, so that you will have no trouble.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Britannia*; acknowledged by the Duke of Portland, 30th August, 1797.)

Sydney, New South Wales,
20th August, 1796.

My Lord,

Health of
Lieut.-Governor
King.

The Colonial schooner *Francis* having lately returned from Norfolk Island, whither I had sent her for any despatches which Lieut't-Gov'r King might have for England, I am concerned to say the health of the Lieut't-Governor appears to be in so very declining a state that I could not, consistent with the common feelings of humanity, resist his wish of obtaining my permission to quit the island, by any opportunity which might offer a prospect of his reaching England before it might be too late to hope relief from such change. Your Grace will not therefore disapprove my having given him my consent, as I have chartered the ship *Britannia* for the purpose of relieving the unhappy situation of a number of distressed objects who have been invalided here from the military, as well as for exonerating the colony of a number of useless people whose contracts with Government have terminated. I shall order that ship to call at Norfolk Island, and embark the Lieut.-Governor and his family. I shall direct that such copy of the Lieut't-Governor's instructions as may be necessary for the guidance of the officer who may succeed to the command in the management of the internal concerns of the island be left with him; and in order to there being a sufficient number of members to compose the Criminal Court, I shall direct an additional officer be sent thither; but I must beg to mention to your Grace that during the time the relief of the officers on the Norfolk Island duty is taking place this part of the settlement (head-quarters) will have of subalterns only one left. I mention this, my Lord, to show how very

To return to
England.

deficient we are in officers, and how much the number now necessary upon Norfolk Island embarrasses the duty to be done here.*

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I must beg permission, my Lord, to make one observation more relative to Norfolk Island. Should it so happen that Lieut.-Governor King may not recover his health so fast as to be capable of again returning to his command in this part of the world, I hope in that case that a successor may be appointed as early as it may be thought proper. I express this hope, my Lord, from an opinion that the changing the commanding officer as often as the relief of the military party doing duty there becomes necessary may very much derange the general regulations hitherto established on the island; but this I submit to your Grace's consideration.

A successor
to King.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 14, per store-ship *Britannia*; acknowledged by the Duke of Portland, 31st August, 1797.)

Sydney, New South Wales,

My Lord,

20th August, 1796.

The different papers which I forward to your Grace by this conveyance will, I hope, serve to shew, in as clear a manner as possible, the real state of this colony. I have endeavoured to compress, into as little room as it could be done, the necessary information, in order that your Grace might not have much trouble in acquiring that knowledge of our circumstances which you might desire; but should it hereafter be thought that a more minute manner of detailing the different particulars would be more satisfactory, it will only require that I should receive your Grace's commands for that purpose. Everything which may relate to the expences of the settlement I am aware cannot be too clearly accounted for, and in that particular I am hopeful we have not been deficient.

State of the
colony.

In a former letter† I had occasion to mention the necessity I found myself under, in consequence of the scarcity of artificers, and the want of public buildings indispensably requisite for the preservation of our crops and other essential purposes, of hiring all the soldiers and other free people I could find; by this step we shall have, though unavoidably incurred, some expence. I must, however, continue to employ all I can meet with until I get those works compleated, which we cannot possibly do without, amongst which are two windmills. All other buildings which may be

Artisans
required.

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dispensed with for some time longer I shall leave unattempted until the strength of the colony may enable us to get forward without increasing the public expences. That your Grace may be enabled to form some judgment of our wants in this particular, I transmit a list of public buildings at this time exceedingly wanted, and the reasons for such wants.

Many settlers
unsuitable.

In this place I shall only remark to your Grace, relative to the colony in general, that had we been fortunate in the choice of those who have been permitted to settle, two-thirds of that number would now have been perfectly independant; but concerned am I to say, my Lord, that we have been particularly unlucky in our selection. In order to the gaining that information or knowledge of the characters who compose our settlers which it is necessary I should possess, I very lately directed two of the civil officers of the settlement, in their character as magistrates, to pay a sudden and unexpected visit to all the different districts, to examine the farms and make such enquiries as I had desired. By this step I am enabled to lay before your Grace the inclosed paper, which is the result of those enquiries, and serves to shew the idleness or industry of the settlers generally in each district.

It may not be improper here to remark that those who have been sent out by Government as free settlers have generally turned out very ill-qualified for farmers in this country. It appears to be a life for which very few of them are adapted, either from ability or inclination, because it requires much labour and very considerable diligence. They come here too with expectations which cannot be gratified, and, as they inform me, with a promise from Government which we have not the power of fulfilling; nor are they satisfied with that assistance which we are able to afford them. They have more than once signified to me that they understood Government was particularly desirous of having a number of respectable settlers sent out, and with that view, and the flattering promises made them, they had offered themselves. I wish I could with truth say that we had many who came within the respectable description they have alluded to; it would have been highly advantageous to the colony, for with common industry and attention I hesitate not to say that our land will yield well. Our live stock thrive well, and increase fast; but that is at present chiefly in the hands of Government, and of the officers, civil and military, fortunately so, because they know its value, and are careful to preserve it. The settlers have more than once killed what they received from Government—every reduction of the ration of animal food occasioned the destruction of what might then have been in their possession; it

is therefore to be wished that we may not, if possible, be again reduced low in the article of salt provision, as most of the settlers have again began to rear pigs and poultry.

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Spirituous liquors, having found their way into the colony in considerable quantities, occasion much idleness amongst many of the settlers; but I must confess have nevertheless some advantages. Much work will be done by labourers, artificers, and others for a small reward in this article, and (without any injury to health) which money could not purchase. I have taken every step in my power to prevent the smuggling of spirits from ships to the shore; but ineffectually, notwithstanding the having a guard on board. I have, however, to put a stop to the great inconvenience of having every little hut a settling-house for the retailing spirits, issued very strict orders* against it, and altho' the destruction of the house of the offender was a part of the punishment, and did actually take place in some instances, it did not effectually prevent it. I have now found it necessary to grant in each district a certain number of licenses† for retailing spirits under strict regulations, which appear to answer the purpose well, prevent much intoxication, and seem to give general satisfaction.

Traffic in
spirits.

To prevent the importation of spirits entirely, my Lord, is next to an impossibility, unless I had more assistance to depend on; nor do I think it necessary for the reasons above stated that it should be wholly prohibited; but I am of opinion that it may soon be found necessary to lay a duty upon its importation, a regulation which might serve to defray some part of the expence of the civil establishment of the colony.

Import duty
proposed.

I have already observed that much labour is often obtained by a small gratification in the article of spirits, and in some other articles, which, altho' commonly considered as luxuries, are now from long habit become necessities. Every labouring person, whether working for the public or for private individuals, is regulated in his hours of labour by the working-hours established by Government,‡ and each by this regulation has a certain proportion of time to himself, during which he can let himself out to hire. By this mode of disposing of his extra hours he purchases the enjoyment of those little luxuries which he has in the course of his life been now and then in the habit of receiving. This is the manner, my Lord, in which officers and others who could afford to be at an extra expence have got so forward with their farms and have preserved their live stock. It is not by an extra allowance of the common slop cloathing or the provision issued from the public store that this labour is to be obtained, for

Conditions of
labour.

1796.

20 Aug

Conditions of
labour.

those men, as well as women, who have been some time here, and particularly those whose term is expired, and who are disposed to work, aspire to a better kind of dress, and are desirous of indulging with their tea and sugar, as well as the gratification of a little tobacco and spirits at times, which whilst thus applied with moderation is certainly not ill-employed. In the hire of artificers also when wanted on the public account much expence would be saved, as well as more satisfaction given to the workmen, were we in possession of many of those little luxuries so much sought after.

You will pardon me, my Lord, for entering upon those little considerations; but it proceeds from an opinion that your Grace should receive every information that can enable you to form the most correct judgment of everything which is in any way connected with the good or welfare of a settlement so immediately under your Grace's direction.

Public
buildings.

I cannot close this without saying that the erection of the public buildings herein mentioned is so arduous a work, as well as so indispensably necessary, that I have been obliged to make another reduction of two men from each officer's farm, and one from others who have hitherto been allowed some assistance, exclusive of that mentioned in my letter herewith forwarded. All the convicts now on the hands of the public are now employed in those necessary works, and not in agriculture, so that we must depend on the farms of the officers, settlers, and others who employ themselves in that way; and this I feel no immediate concern at, because I can depend on their industry.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

List of Public Buildings much wanted, August, 1796.

*At Sydney.**Reasons for such wants.*

A large granary for the reception of wheat and maize.

None having yet been built.

One large and strong store-house for the security of our salt provisions.

Those formerly built being too small, and frequent robberies have convinced us that they are too slight.

A church.

None having yet been built, except a temporary thatch'd house erected by the clergyman.*

A court-house.

No building yet appropriated for the assembling a Court in.

A house for the Judge-Advocate.

The present too small and inconvenient for his business.†

* Note 241.

† Note 304.

List of Public Buildings much wanted, August, 1796—*continued*.1796.
20 Aug.*At Sydney.**Reasons for such wants.*Public
buildings.

A house for the Lieutenant-Governor.

That already built having been given in lease for fourteen years by the late Lieutenant-Governor to the officer who succeeded to the command of the military.*

Houses for the assistant surgeons and Deputy Commissary.

Those formerly built entirely decay'd.

A windmill.

None yet erected.

Two additional barracks.

Not sufficient room in those already built.

A strong prison.

The present too small for our numbers, and too slight to secure prisoners such as we have to manage.

A better and larger hospital.

The present decaying fast.†

A public school for the care and education of children.

Much wanted to save them from certain ruin.‡

At Parramatta.

A large granary for the reception of wheat.

Not yet built; foundation of one now laying.

A church.

Having no place for divine service but any that which may happen to be empty.

A windmill or two.

Two will be necessary here, because our largest farms are in this district.

A strong prison.

For the reasons above.

A school for children.

do. do.‡

At the Hawkesbury.

A large granary for the reception of wheat and maize.

Foundation of one now laying.

A large and strong storehouse.

The present too slight to be secure.

A barrack for the military doing duty here.

The present a miserable building.

A wind or water mill.

For the convenience of this district.

A strong prison.

For the reasons already given.

A small hospital.

The distance from hence to the nearest hospital being 20 miles.

All the buildings herein mentioned are exceedingly wanted, but the great scarcity of artificers will render their completion a work of considerable time and much difficulty. Such as are indispensably necessary for the preservation of our crops will, of course, be the first attended to.

JNO. HUNTER.

* Note 305.

† Note 306.

‡ Note 307.

1796.
20 Aug.
State of the
settlements

[Enclosure No. 2.]
GENERAL STATE of the different Districts of the Settlement.*

Number of Settlers nearly.	Name of the District.	When Settled.	Land Cleared and in Cultivation.	Live Stock.			Private circumstances.	General Character.
				Pigs.	Sheep	Goats. Poultry		
33	Prospect Hill and Kissing Point.	From 1791 to 1795.	acres. 550	164	a few	dozen. 36	Generally in debt at this time owe £506.	A few who are good, some indifferent, and many idle and worthless characters. Of various characters; too many so very bad as not to promise much benefit to the colony.
46	Richmond Hill and the north side of the river Hawkesbury.	From 1793 to 1795.	370	126	...	100	In debt at this time £905.	Very idle and indifferent characters, with a very few exceptions. A few industrious, and many worthless characters.
42	South side of the river Hawkesbury.	From 1794 to 1795.	406	225	...	167	In debt at this time £1,850.	Some appear to be industrious, a few but indifferent.
30	On the creek, south side of the Hawkesbury.	From 1794 to 1795.	223	122	... a few	46	In debt at this time £1,016.	Many industrious; some few indifferent; a few bad.
Not yet ascertained.	Hunter's Hill, Lane Cove	Very late in 1795.	55	42	...	15	.....	A few indifferent characters, but the majority industrious.
32	Northerly boundary, Ponds and Field of Mars.	From 1791 to 1795.	723	160	22	42	70	
63	From Sydney to Parramatta, south side of the harbour.	From 1793 to 1795.	420	82	5	90	46	
			A considerable quantity cut down, but not yet burnt off.		about	about	In debt at this time £142.	
				921	30	140	480	

GENERAL OBSERVATIONS.—I am sorry to observe that the debts of the settlers in general are chiefly, altho' not wholly, owing to a disposition to indulge in drunkenness, and this disposition they have had it but too much in their power to gratify, from the quantity which has by some means unaccountable found its way into the settlement.

It has been known that the produce of the labour of a whole year has been thrown away for a few gallons of a very bad spirit.

It will appear by this statement that the settlers on the Hawkesbury are more in debt than in any other district. Their idleness cannot so well be prevented, the distance from hence is so great, and the want of a respectable magistrate to reside upon the spot is very much felt.

The ground of their farms is of a superior quality, altho' those which lay low are sometimes inundated.

The debts have been enquired into as a means of showing the idleness or industry within the different districts.

Much more ground in all the districts has been cleared of its timber than is here mentioned; but it requires much labour and time to burn it off before cultivation is practicable.

What cultivation is here noticed is independent of officers' farms. A particular account of them will be given in another place.

JNO. HUNTER.

* Note 308.

1796.
20 Aug.
State of the
settlements.

Time.	Settlements.	Civil Department.														Military Department.														People not vict'd fr'm the Stores.	
		Captain-General and Governor-in-Chief.	Deputy Judge-Advocate.	Surveyor of Lands.	Commissary.	Provost-Marshal of the Territory.	Chaplain.	Assistant Surgeons.	Deputy Surveyor.	Deputy Commissary.	Superintendent's Storekeepers, &c.	Women.	Children above 2 years of age.	Captains.	Lieutenants.	Ensigns.	Adjutant.	Quarter-master.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Women.	Children above 2 years of age.	Children under 2 years of age.	Children above 10 years of age.	Registrar of Vice-Admiralty Court.	Men.	Women.	
1796.																															
Aug. 31	Sydney	1	1	1	1	1	2	...	1	6	1	2	4	3	3	1	1	1	1	14	12	11	269	49	34	18	2	...	174	2	
"	Parramatta and Toongabbe ..	...	...	...	...	1	1	1	...	7	3	3	1	2	...	...	...	...	...	2	2	1	60	10	20	11	...	1	55	...
"	Hawkesbury .....	...	...	...	...	...	...	...	...	1	...	...	...	1	1	...	...	...	...	2	2	1	40	7	11	2	...	...	147	...

[Enclosure No. 3.]
STATE of the Settlements at Sydney, Parramatta, &c., in New South Wales.

1796.
20 Aug.
State of the
settlements.

STATE of the Settlements at Sydney, Parramatta, &c., in New South Wales—continued.

Time.	Settlements.	Free People and Free Settlers.				Emancipated.		Convicts.		Settlers from Female Convicts.	Children above 10 years.	Children above 2 years of age.	Children under 2 years of age.	Orphans.	Natives victualled from the Public Stores.	Numbers on the different rations.				Numbers victualled from the Public Stores	Whole number at full ration	Number in the Settlements	Weeks Provision in Store at the established ration.
		Men.	Women.	Children above 2 years of age.	Children under 2 years of age.	Men.	Women.	Whole.	Two-thirds.							Half.	Quarter.						
1796. Aug. 31	Sydney	18	20	7	...	6	13	5	1,026	438	...	155	80	5	8	1,408	515	198	98	2,219	1,875	2,395	Flour ... Beef ... 31 1 Pork ... 44 6 Pease } Rice } 22 0 Dholl } Wheat } 29 1 Maize... 41 4 Sugar... 4 0
"	Parramatta and Toongabbe	16	9	4	...	27	5	3	427	230	5	7	57	2	1	556	267	84	58	965	790	1,020	
"	Hawkesbury.....	10	3	...	3	45	2	1	180	87	...	32	22	...	1	286	98	43	27	454	379	601	

JNO. HUNTER.

JNO. PALMER, Commissary.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch marked "Separate," per transport *Ganges* to the Cape of Good Hope, thence per H.M.S. *Supply*; acknowledged by Governor Hunter, 25th June, 1797.)

1796.
22 Aug.

Sir Whitehall, 22nd August, 1796.

In answer to your letter, marked separate, of the 25th of October last, inclosing one from Messrs. Muir, Palmer, and Skirving, on the subject of their several sentences, I am to inform you that I lost no time in transmitting copies of those papers for the consideration of the Judges of the Court of Justiciary, in order that they may report to me, for his Majesty's information, which, together with such directions as the case shall be found to require, I shall, I trust, be able to forward to you by the *Britannia*. It may not, however, be amiss to observe to you that in no case whatever can any of those persons return either to Great Britain or Ireland until the times for which they have been respectively sentenced are elapsed; for altho' Ireland is not mentioned in their sentences, you will nevertheless observe that by the Act of the 25th of Geo. III, chap. 46, section 3, it is enacted that if any offender or offenders who shall be so ordered by such Court, as is therein aforesaid, to be transported beyond the seas, or who shall agree to transport himself or herself on certain conditions, either for life or any number of years to any such place or places, part or parts, as shall be appointed by his Majesty in manner as is therein aforesaid, shall be afterwards at large within any part of the kingdom of Great Britain or Ireland, without some lawful cause, before the expiration of the term for which such offender or offenders shall have been ordered to be transported beyond the seas, or shall have so agreed to transport himself or herself, as is therein aforesaid, being thereof lawfully convicted, shall suffer death, as in cases of felony, without benefit of clergy, by the law of England; and such offender or offenders being so found at large within that part of Great Britain called Scotland may and shall be tried there, before any Court of competent jurisdiction, for the trial of the original offence.*

The Scottish
martyrs.

PORTLAND.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 15, per store-ship *Britannia*; acknowledged by the Duke of Portland, 31st August, 1797.)

Sydney, New South Wales,

My Lord,

25th August, 1796.

25 Aug.

The amount of the various sums† for which bills have been drawn for the use of this colony, since my arrival in it, being considerable, and notwithstanding the Commissary's accounts of

The finances of
the colony.

* Note 309. † Note 310.

1796.
25 Aug.
The finances of
the colony.

the expenditure thereof will be transmitted by this conveyance, and will I hope and trust be found clear and satisfactory, I nevertheless have so great a desire that your Grace should understand as clearly and satisfactorily as possible the real occasion of those expences, that I must beg permission to state generally from whence they likely arise. I have formerly pointed out to your Grace the expences likely to be incurred, as well as the loss which may probably be sustained by the unfortunate delay in the erecting of those public buildings so essentially necessary. Your Grace will pardon me if I observe that, could the embarrassment of the person whom his Majesty had thought proper should succeed to the government of this colony been the wish of any, it could not more effectually have taken place. I have every possible difficulty to encounter, but I trust I have also perseverance to surmount them; nor should I at this time have named them, or in any way noticed them to your Grace, were it not for the expence which is so unavoidably occasioned by them.

By the Commissary's accounts it will be observed that a considerable part of the expences are on account of Norfolk Island—some part from the necessity of purchasing various articles indispensably requisite for the use of the colony from ships calling here, who, taking the advantage of our wants, have been exorbitant in their prices; others from the constant wages given to artificers of different descriptions for the various works to be performed—the sums paid for wheat and maize of the last year's growth; and also, latterly, the purchase of a flock of goats from an officer returning home, intended to prevent the destruction of so much valuable stock, and for the purpose of fulfilling the promises of Government to many settlers—the hire of the ship *Britannia* to India, chartered before my time, is also to be paid by bills in my name. This brief statement will be found circumstantially noticed in the Commissary's accounts.

As the Commissary has obtained leave to return to England upon his private business, he will be present to explain anything relative to his books which may require it; and it will be highly satisfactory to me that he should have an opportunity, in case his vouchers should not be as simple, as perfect, and clear as could be desired.

I have, &c.,

JNO. HUNTER.

P.S.—I beg leave to observe, my Lord, that I trust the expences of the colony will not be found to be so great in the next as it has been during the last year. The quantity of maize now on the hands of Government will, it is highly probable, render the purchase of that article in quantity considerably less, if not wholly unnecessary; in that case, settlers and others who raise

that kind of grain will be obliged to apply it to the feeding of live stock—a circumstance which will prove highly advantageous to the colony.

1796.
25 Aug.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 16. per store-ship *Britannia*; acknowledged by the Duke of Portland, 31st August, 1797.)

Sydney, New South Wales,

My Lord,

26th August, 1796.

26 Aug.

I am concerned to have to report to your Grace the death of Mr. Henry Brewer,* the Provost-Marshal of this settlement. He was, when I arrived in the colony, in so weak a state of health, and so wholly incapable of duty, as to render it necessary for me to appoint some respectable and active person to do the duties of that office, which, allow me to say, my Lord, are in this country very considerable; and as the person occupying that station is so immediately under the notice and direction of the Judge-Advocate of the colony, I have had recourse to his recommendation of a well-qualified person.

Provost-Marshal
Brewer.

Mr. Thomas Smyth† I have appointed to officiate until your Grace's pleasure shall be known. He has been bred in the Army, and served long in his Majesty's marine corps. He has done the duty of his present appointment so very highly to my satisfaction, and with so much spirit and activity, that I beg to recommend him to your Grace as a very fit officer for that station in this settlement. This circumstance renders it convenient to remind your Grace that, having a Court of Criminal Judicature established upon Norfolk Island, an officer as provost-marshal becomes a necessary appointment there. I will therefore mention that Mr. Edge,‡ who was appointed to the office by Governor Phillip in 1791, still does that duty on the island, without confirmation, and without salary; and, as I have always understood that Mr. Edge has acquitted himself well in that office, I beg to say that he merits some consideration for his past services, as well as a confirmation of his appointment.

Thomas Smyth
appointed
Provost-Marshal

Fane Edge.

It would be improper in me to omit, upon so good an opportunity, inclosing to your Grace the recommendation of Governor King for an allowance to Mr. John Drummond, appointed to attend as beach-master.§ I will only assure you, my Lord, that the necessity of such an appointment upon that island I am too well acquainted with from my own unfortunate experience not to agree perfectly with Governor King in the advantage attending its being allowed. To be placed on the footing of a superintendant of convicts would, I apprehend, be considered as an adequate provision.

John
Drummond.

* Note 31.

† Note 311.

‡ Note 194.

§ Note 312.

1796.
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Paterson,
Abbott, and
Clephan
invalided to
England.

I have now to report to your Grace that Captain William Paterson, of the New South Wales Corps, from a tedious and painful inflammation in his right eye, has been reduced to the necessity of desiring permission to return to England, least from any delay in the procuring of that advice which may be obtained there he be wholly deprived of the use of that organ. He has received my permission to return for that purpose. Lieut. Abbott and Lieut. Clephan, of that corps, having long been from ill-health incapable of duty, are also permitted to return. This reduces the strength of the corps so very low in officers, particularly when the detached services are considered, that your Grace will see the necessity of a recruit of officers as well as men.

Commissary
Palmer on leave.

The Commissary will avail himself of the leave of absence sent out to him some time past, and will return to England upon his private concerns. I therefore appoint a Mr. James Williamson to do that duty until the Commissary's return. This gentleman is so very well qualified for that department that if my request that an additional Deputy Commissary be allowed for the management of that business at Parramatta and the Hawkesbury, permit me, my Lord, to recommend Mr. Williamson for that station.

Judge-Advocate
Collins.

The Judge-Advocate, Captain David Collins, having long ago obtained his Majesty's permission to return to England, now goes in the *Britannia*. Mr. Richard Atkins* was directed at the same time to do that duty until his return, which, for the good of the service in this colony, I earnestly hope may be soon.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Britannia*; acknowledged by the Duke of Portland, 30th August, 1797.)

My Lord,

Sydney, N. S. Wales, 26th Aug., 1796.

The civil suit:
Boston v.
Laycock,
McKellar,
and ors.

A Court of Civil Jurisdiction having taken place soon after my arrival in the colony, in which a free settler was plaintiff and four persons of the military were defendants.†

When the minutes of this Court were laid before me, I thought there appeared on the part of the defendants so very indecent a degree of warmth, and a consequent want of that respect which is at all times due to a Court of Justice, that I mentioned at the time my determination to send the whole proceedings to England, and to lay it before your Grace, and also to request that I might be indulged with the opinion of the Crown lawyers upon it.

This trial, my Lord, was, I believe, amongst the first of this kind which had happened in the colony, and from that circumstance occasioned considerable bustle.

After the Court had decided, the plaintiff had occasion to return, from going on his way home, and to claim the protection of the Court from insult and violence.

One of the defendants (a private soldier) was advised by his friends to appeal from the verdict of the Court. I say advised, my Lord, because the man did not appear to me to know the meaning or intention of an appeal, and therefore I did not conceive it to be a motion of his own. The decision on that appeal is herewith inclosed.

I cannot allow myself to close a letter on this subject, my Lord, without taking that opportunity of observing that I strongly suspect there are some person or persons in this colony (whose situations are probably respectable) extremely inimical to the necessary influence and authority of the civil power, and to that respect which is due from the public to the civil magistrates.

I have thought it necessary to mention thus much that it might not create surprise hereafter, shou'd I, contrary to my wish or inclination, have occasion to be more circumstantial. I shall be happy to understand that we have not in the present instance been deficient in that attention and justice which is due to all who decently and respectfully submit their claims or complaints to the decision of the law. I must farther add, my Lord, that I look forward with hope that the time may not be far distant when our Courts will be settled more immediately upon the plan of those in our mother country. I have, &c.,

JNO. HUNTER.

[Enclosure.]

PROCEEDINGS of the Court of Civil Jurisdiction held at Sydney on the 3rd 7th 8th 11th 15th 29th and 30th Days of December, 1795.

[*Precept summoning the Court.*]

By His Excellency John Hunter Esqr. Captain General and Governor in Chief, in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc.

WHEREAS it is directed by His Majesty's Letters Patent under the Great Seal of Great Britain, bearing date the Second day of April in the Twenty seventh year of His Majesty's Reign, that there shall be a Court within the Settlement in New South Wales, to be called the Court of Civil Jurisdiction, which Court is to Consist of the Judge Advocate and two fit and proper persons inhabiting within the same, to be appointed by the Governor for the time being, or of any two of them, whereof the Judge Advocate to be one.

You are hereby required and directed to attend as Members of the said Court to-morrow, being the 3rd of this Instant Month of

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December, at Ten of the Clock in the forenoon, to hear and determine all such Pleas as may be brought before you, pursuant to the Power and Authority given to such Court and expressed and recited in the said Letters Patent.

For which this shall be your Order.

Given under my Hand and Seal at Sydney this 2nd Day of December, in the year of Our Lord 1795.

JOHN HUNTER (L.S.)

THE JUDGE-ADVOCATE.

WILLIAM BALMAIN, ESQR.

GEORGE JOHNSTON, ESQR.

By Command of His Excellency,

DAVID COLLINS, Secy. to the Colony.

[*Proceedings.*]

AT A COURT of Civil Jurisdiction assembled by Virtue of a Precept under the Hand and Seal of His Excellency John Hunter Esqr. Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

Present:—The Judge-Advocate, William Balmain, Esqr, George Johnston Esqr.

The Precept being read and the Court duly sworn,—

MR. JOHN BOSTON, came before the Court and stated that he had a Complaint to alledge against Mr. Thomas Laycock, Mr. Neil McKellar and William Faithful and William Eaddy, all of the New South Wales Corps, for assaulting his person on Thursday in the Afternoon, of the 29th day of October last, and delivered a written paper, which he subscribed and swore to, before the said Court, containing the particulars of the Assault, praying for redress, and estimating the injuries he received at Five Hundred Pounds Sterling.

THE COURT granted a Writ. to bring before it the said Thomas Laycock, Neil McKellar, William Faithful, and William Eaddy, to answer to the said complaint.

Adjourned, there being no other business before the Court, untill 10 O'Clock, on Monday the 7th Day of December.

COPY of the Paper No. 1 above referred to.

Unto the Honorable the Judge-Advocate and Court of Civil Judicature, of the Territory of New South Wales; The Complaint and Memorial of John Boston free Settler, *against* Thomas Laycock Quarter Master, Neil McKellar Ensign, William Faithfull and William Eaddy, Privates, all belonging to the New South Wales Corps.

By the appointment of Government, the Plaintiff came into this Country, along with his family to forward its improvement. In common with every Inhabitant, he has every claim upon Public protection, but peculiar to a few, he has several upon Public Patronage.—If he is to meet with insult and outrage, or meeting with them, if these are to be unnoticed, he cannot either pay attention to those objects, nor prosecute them with advantage, for which he exposed himself to much inconvenience, and Government incurred so much expence. The demand of Justice, in the

present instance, has a reference to his future situation, must determine his residence here, and must resolve whether his Voyage has been fruitless or advantageous to himself or the Community: Independently of these Considerations he feels it an incumbent Duty for him to demand on the part of the whole a severe punishment upon those complained on, as from their respective situations, they were bound to oppose illegal Violence, and to protect those against whom any outrage might have been committed.

Upon the 29th Day of October last, when in his own House he was informed that some person had shot, in a close adjoining to a Tenement belonging to Captain Foveaux a sow his property. He accordingly went thither, and found dead in the manner mentioned a very fine Sow, considerably advanced in Pig. By some bystanders, he was informed, that the persons who had done it, was gone out of the Close by a Gate at its bottom; He accordingly ran round there exclaiming with some warmth, who is the damned Rascal that shot my Sow; Thomas Laycock asked him whom he called a damned Rascal; The Memorialist replied, the man that shot my Sow, immediately the said Laycock called William Faithfull and told him: That fellow pointing the Memorialist had called him a Rascal, and he commanded him to thresh him, as long as he could; Faithfull asked the Memorialist if he called him a Rascal, which he answered by another question, if he had shot his Sow. Laycock again commanded Faithfull to beat the Memorialist: Faithfull for this purpose advanced from the yard, and the Memorialist, in order to defend himself, seized from the hands of Collins a by stander an Axe without a helve which as Collins was unwilling to part with the Memorialist immediately gave up; Neil McKellar hereupon commanded the aforesaid Faithfull to knock down the Memorialist, with a Gun which he had in his hand; Faithfull obeyed his Orders, and struck the Memorialist, with the Gun, upon the back part of his head, with such Violence, as bent the Ram Rod and would undoubtedly have produced death, if it had fallen upon any other part of the head; The Memorialist attempted in self preservation to seize the Gun, exclaiming in the meantime Murder, and calling for Assistance, McKellar observed that the Gun was loaded, and desired it to be taken away; This was done by Laycock, Mrs. Boston terrified and alarmed had run to the spot, Laycock with savage brutality repeated his Command to Faithfull, desiring him to beat the Memorialist as long as he could stand. In the same breath he ordered William Eaddy to thresh the Memorialist as long as he had life, and push'd him for that purpose towards him, asking him if he would allow that fellow to call a Soldier a Rascal; Eaddy advanced to put the Order in execution. The Memorialist overpower'd by force and by numbers, alarmed by the cries of his Wife and placed in the most imminent danger, accomplished his escape through the back door of Mr. Bloodworth's garden.

These facts the Memorialist offers to prove by unexceptionable evidence, He lays his damages at 500 pounds sterling, nor does he think the Court will be of opinion, they were too highly estimated. The injury was aggravated by the situations of the persons who committed it, and of him who suffered it. A Justice of the Peace and a Military Officer, commanding private and armed

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Soldiers, to murder an unarmed individual, for their express words can imply nothing else, deserve the severest notice. Trifling censures, or trifling damages would merely lead to repetition. This outrage is not confined to the person of the Memorialist, through him it strikes, all who may have come here with similar views, and if reparation, ample and substantial, is now denied, will operate upon all who may hereafter be disposed to emigrate from England.

The Memorialist has heard it surmised, that a Counter prosecution, is to be brought forward against him, as having been the first assailant. If with view to terrify him this has been thrown out, it has failed of its purpose; He is so conscious of the propriety of his Conduct, if, there were no more material reasons, to desire an investigation upon this very account. He cannot allow himself to think, that any will be so daringly wicked as to adduce in this Court, to support an untenable Plea, a train of Perjured Witnesses. If this should be attempted, the Memorialist confides in the consciousness of his having it in his power, by Characters directly the reverse, and superior to suspicion, to overthrow their Testimony, and to consign them to merited punishment and infamy.

The Memorialist concludes by expressing his firm belief, that from the impartiality and justice of this Court, he will receive compleat reparation, for the injury he has suffered, and ample protection for the future from similar outrages.

JOHN BOSTON.

Sworn before the Civil Court of Jurisdiction this 3rd Decr.
1795. DAVID COLLINS, Judge-Advocate.

Monday, 7th December, 1795.

THE COURT met pursuant to Adjournment, Mr. Edwd. Abbott, came before the Court and made the following Affidavit:—

I Edward Abbott do swear, that George Legg, late a Settler at Norfolk Island but now residing at Sydney in the Territory of New South Wales, is indebted to me in the Sum of Thirty seven pounds Sterling, for value received, and which he unjustly detains.

EDWARD ABBOTT.

Sworn before the Court of Civil Jurisdiction, at Sydney, this
Seventh Day of December, 1795.

DAVID COLLINS, Judge-Advocate.

A Writ was granted to arrest George Legg, for the Sum of Thirty seven Pounds.

The Court adjourned until 10 o'Clock on Tuesday Morning the 8th Day of December 1795.

Tuesday 8th December 1795.

The Court at the Motion of the Defendants in the Cause, Boston versus Laycock, McKellar, Faithfull and Eaddy, was further adjourned until 10 Clock on Friday morning the 11th of December.

Friday 11th December 1795.

THE COURT met at Ten of the Clock, in the forenoon, pursuant to its last Adjournment.

MR. THOMAS LAYCOCK, MR. NEIL MCKELLAR, WILLIAM FAITHFULL, and WILLIAM EADDY, being brought into Court, by virtue of the

Writ, which issued on the third of December, the following declaration was exhibited, by the Judge-Advocate:—

JOHN BOSTON, settler, residing in the Town of Sydney, in the County of Cumberland, in the Territory of New South Wales, cometh before the Court of Civil Jurisdiction, on the 11th Day of this instant Month of December, in the year of Our Lord One thousand seven hundred and ninety five, and complains against Mr. Thomas Laycock, Quarter Master in the New South Wales Corps; Neil McKellar Lieutenant in the same Corps, and William Faithfull and William Eaddy Private Soldiers in the same Corps, of a plea of Trespass in assault and Battery. For that Whereas, on Thursday the Twenty ninth day of October in the year of Our Lord One thousand seven hundred and ninety five, when he the said John Boston, was in his own house, at Sydney aforesaid, he was informed that some person had shot in a Close adjoining to a tenement belonging to Captain Foveaux, a Sow, the property of him the said John Boston; He accordingly went thither, and found dead in the manner mentioned a very fine Sow, considerably advanced in Pig; by some by standers, he, the said John Boston was informed, that the Person who had done it, was gone out of the Close, by a Gate at its bottom. He the said John Boston accordingly ran round there, exclaiming with some warmth "who is the damned Rascal that shot my sow"; He was asked by Mr. Thomas Laycock, whom he called a damned Rascal. He the said John Boston replied, "the man who shot my Sow" immediately the said Mr. Thomas Laycock, called one William Faithfull, and told him "that fellow, pointing to the said John Boston, had called him a Rascal" meaning the said William Faithfull, and commanded him the said William Faithfull to thresh the said John Boston as long as he could. The said William Faithfull asked the said John Boston, "if he had called him a Rascal"—which the said John Boston answered by asking the said William Faithfull, "if he had shot his sow." That the said Mr. Thomas Laycock again commanded the said William Faithfull to beat the said John Boston. That for this purpose the said William Faithfull advanced from the yard, and the said John Boston, in order to defend himself, seized from the hands of one Edward Collins, a by Stander, an Axe without a Helve, which the said Edward Collins, was unwilling to part with, the said John Boston immediately gave up. That hereupon Mr. Neil McKellar, commanded the aforesaid William Faithfull to knock down the said John Boston as long as he could. The said William Faithfull asked his hand. That the said William Faithfull obeyed his Orders, and struck the said John Boston with the Gun, upon the back part of his head, with such violence as bent the Ram Rod thereof, and would undoubtedly have produced the Death of the said John Boston if it had fallen upon any other part of the head. That the said John Boston, attempted in self preservation to seize the Gun, exclaiming in the mean time Murder, and calling for assistance, the said Mr. Neil McKellar observed that the Gun was loaded, and desired it to be taken away, which was done by the said Mr. Thomas Laycock. That Mrs. Boston wife of the said John Boston terrified and alarmed, had run to the spot, when the said Mr. Thomas Laycock, repeated his Commands to the said William Faithfull "desiring him to beat the said John Boston as

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long as he could stand." That in the same breath he ordered one William Eaddy to thresh the said John Boston as long as he had life, and for that purpose pushed the said William Eaddy towards him, asking the said William Eaddy if he would allow that fellow, meaning the said John Boston, "to call a Soldier a Rascal." The said William Eaddy advancing to put the Order into Execution, the said John Boston finding himself overpowered by numbers, alarmed at the cries of his wife, and himself placed in the most imminent danger, accomplished his escape through the back door of one James Bloodworth's Garden.

That by the said assault and battery committed on him the said John Boston, with force and arms, the Day and year above written, by them the said Mr. Thomas Laycock Mr. Neil McKellar—William Faithfull and William Eaddy, the said John Boston saith, he is injured and damaged to the value of Five hundred pounds, and thereupon he brings suit to the Court of Civil Jurisdiction.

The declaration being read, and the defendants having severally denied the Charge and Complaint contained therein; The Plaintiff, John Boston, previous to his calling his Witnesses, read the following papers which he delivered in, after reading them.

[Copy No. 1.]

Lately after I arrived in this Country, Mr. Laycock sent an imperious Letter ordering a Sum of Money to be paid which was not due.

To this Command so arbitrarily imposed without Authority, and so unjust in its nature, I could not yield obedience. This refusal among other harsh expressions drew from Mr. Laycock, on the public Wharf, that of Swindler. This occasioned me to send this Letter which received no answer; I was averse to trouble your honor, and deeming my Character sufficiently vindicated by the Silence of Mr. Laycock, I took no further steps;—I think it necessary here to observe, that I was recommended to Government as an honest man, by Gentlemen of Character, and fortune, and who would not have presumed to said so, had they not known me to be such; That I was recommended I believe is known to His Excellency Governor Hunter.

However it would appear that malice was not exhausted, in the mind of Mr. Laycock, it will be proved that the place where the pigs trespassed not his own was a place where they could do no damage to provoke him, where there was no fastening to keep them out, and that they shot the best pig in the herd.

This Conduct so inconsistent, with that of a Gentleman, and of an Officer, proves in the strongest manner, that it was no attention to the police of Sydney, which prompted Mr. Laycock to assume this Office, but the desire of gratifying his revenge, upon a man who knowingly never had injured him: The next morning after shooting the Sow Mr. Laycock met my man selling the Pork, when in an exulting manner, and with a laugh of self approbation he asked him if he was selling Boston's Pork, which plainly shews that the destroying my property and assaulting my person, was not the effect of momentary passion, but a thing done with deliberation and approved of upon reflection. I cannot help thinking the conduct of Mr. Laycock highly injudicious, and injurious. In attempting to draw a line of distance between the Civil and

Military branches of the Community, and to impel the latter against the former; That such were his intentions, and such his attempts will admit of no doubt, from considering the words which he used and the manner in which he acted, in the evidence which will be produced.

I beg leave to observe to this Honble. Court, that it is with the utmost reluctance I give its Members trouble. Security for myself in future and for that of the other Inhabitants in this Colony, by the extent of the Damages I may recover, are the only motives which I had for this prosecution, with the utmost confidence I confide in the impartiality of this Honble. Court.

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[Copy No. 2.]

Sir,

Please to pay the bearer, James Manning, or his Order the above Ballance, and his receipt shall be your Dis charge.

WILLIAM LEWIS.

Sydney Cove, Jany. 7th, 1795.

Jas. Manning being a Servant of Mr. Laycock's and distressed, Mr. Laycock desires this Bill may be immediately settled.

[Copy No. 3.]

Sir,

I arrived at New South Wales with an unblemished character; I am a man of Business, and my bread and that of my family depend on my preserving it unspotted.

You have endeavoured to deprive me of what is dearer than life, and them of support, by having the audacity to say on the Public Wharf in the hearing of numbers that I had robbed or swindled William Lewis of his property I demand of you to prove your words or as publicly recant them; if you do not, at the much wished for arrival of Governor Hunter when a Civil Court of Justice shall be open to every one, I promise you I will prosecute you for defamation.

JOHN BOSTON.

Examination of Witnesses.

Mr. JAS. ELLIS, called by the Plaintiff, was sworn:—

Q. by Plaintiff.—Do you recollect a letter being sent by Mr. Laycock to Mr. Palmer about 8 months since, to pay some Money?

A.—Yes it was an order, a peremptory Order, to pay Money—which he wondered at, not knowing that Mr. Laycock was a Magistrate; He saw Mr. Boston's answer, observing Mr. Laycock had called him a Swindler.

Q.—Was you in the house when a Man came and informed me a Pig was shot in Capt'n. Foveaux's Yard?

A.—Yes.

Q.—Do you remember that the Man did not say who shot the Pig?

A.—No, he did not.

Q.—Do you know the Pig that was shot?

A.—She was worth about 7 or 8 Pounds, independent of her being with Pig.

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Q.—Do you know the place where the Pig was shot, whether any damage could be done in it?

A.—There had been some wheat sown in it—it had been used as a Stable, and Horses had been turned into it.

Q.—Can you speak to the Security of the Gate?

A.—Yes—I found that there was not any latch on the Gate, but only secured by a piece of Iron Hoop at the top.

Question by the Court.—What was the size of the Close?

A.—About a Quarter of an Acre.

Q.—Can you tell how much wheat was on it?

A.—If there was Forty Rod in Cultivation there was at least Ten that had none.

Q.—Did you see Mr. Laycock's letter to Mr. Boston?

A.—Yes and Mr. Boston's answer.

Q.—What tone of the day was it that the Sow was Shot?

A.—I think after dinner.

Q.—Was it the first time that Mr. Boston's Hogs had been in the Close?

A.—No they had been frequently there, and some had been wounded, but we cannot say they had been beaten or wounded there.

Question by the Defendant Mr. McKellar.—Can you speak positively as to the fastening on the Gate?

A.—I cannot as to when the Hogs went in, but I can say positively when they came out, there was not any latch on.

Q.—Can you take upon you to say, whether the fastenings were taken away, or whether they were broken down by the Pigs going in?

A.—I cannot speak to that.

Q.—Can you take upon you to say whether the Hogs were ringed and yoked agreeable to an Order given by the Lieutenant Governor in the absence of the Governor?

A.—They were not yoked, they had had rings put in their noses the day before, but they often worked them off.

CAPT. JOSEPH FOVEAUX, called by the Plaintiff, was sworn:—

Question by Plaintiff.—Had Mr. Laycock at any time asked you permission to shoot those Pigs when in your Close?

A.—No.

Q.—Did you not use that Place as a Stable, and had not the Horses been turned into the Wheat?

A.—It had been a Stable.

Q.—Was it not kept purposely for the Horse to graze in?

A.—It was.

Q.—Had not the Gate been always fastened with an Iron Hoop?

A.—Yes—always and your Pigs had been frequently driven in—I had often desired they might not be shot, but they were driven in constantly.

MR. NICHOLAS DIVINE, being called by the Plaintiff, was sworn:—

Question by Plaintiff.—Do you recollect my running on the afternoon of the 29th October round the Close, and exclaiming with some warmth where is the damned Rascal who shot my Pig?

A.—I Recollect seeing Mr. Boston and Mr. Laycock, talking together with much warmth—I heard Mr. Boston say it was a rascally business, of affair Mr. Laycock said, Do you call a Soldier a Rascal—Mr. Boston said, it was a Rascally act—they then came up to the Garden Gate—Mr. Laycock called down a Servant of Captain Foveaux's who came—on which Mr. Laycock turning to Mr. Boston, said to the Soldier, here is a fellow calls you a Rascal—take him and thresh him well, the Soldier asked Mr. Boston why he called him a Rascal—he asked him if he had shot his Sow. Then they talked with greater warmth—and some words passed which I do not recollect—but I heard Mr. Boston say it is a lie, a damned lie. By—I suppose the Soldier told him the Hogs had been driven in. On this Mr. Boston came upon the road when he met a man of the name of Collins, having an Axe without an Helve, and a piece of Corn Stalk—He then attempted to take the Corn Stalk from the man which he resisted—(It was a stalk of Sugar Cane and not a Corn stalk)—by which it was broken and then Mr. Boston grasped at the Axe,—and got the Axe from him, but the other persisting he should not have it, he gave it up to him; at this time I heard Mr. Laycock say to William Faithfull (the Soldier he had called down)—ye, will you suffer yourself to be called a Rascal, why do you not go and thresh him:—The Soldier then rushed pretty quick by him with a musquet in his hand—holding the butt end with both his hands—and struck Mr. Boston with the Musquet on the back part of the left side of his head; Mr. Boston then seized the Gun and both had hold of it, when some one in the Crowd said it was loaded—on which Mr. Laycock came up and said it being loaded, it must be given up—and took it from them. Having down which, Mr. Laycock turned to the Soldier William Faithfull and said, now thresh him well, they then fought for some time together, until they got up beyond Skirvings gateway and Mrs. Boston thrust open the Gate, and came on the road, saying to her Husband get in, get in, you will be murdered, and endeavoured to separate them which was done. On this I heard Mr. Laycock urge William Addy to go up and thresh Mr. Boston and pushed him towards him with his Elbow, William Addy run up towards Mr. Boston who was retreating towards Bloodworth's Gateway—William Addy put himself into a Posture to strike Mr. Boston, who ran within Bloodworth's Gate, to which he was followed by Addy, but I did not see him strike Mr. Boston, he followed him very close, but I did not see him give him any blow. I heard Mr. McKellar say, that he (without mentioning a name) was a damned Rascal, and deserved a good threshing. I did not observe Mr. McKellar at first.—I saw some Serjeant there afterwards, and heard Whittle say There was a Society of them who deserved a good threshing and who should get it—and he mentioned the names of Ellis and Pearce.—Towards the latter end of the Business, many had assembled—the Crowd there had increased, from the time the blows had been given.

Question by the Court.—Did you see anything in Mr. Boston's hand, at the time of the assault, besides the stalk of Sugar Cane?

A.—No—and that was broke in taking it from the Man who had it.

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Question by the Plaintiff.—At the time I jumped back upon the Road, did you not hear Mr. Laycock say to William Faithfull thresh this fellow?

A.—I do not know that that was the cause of your jumping on the Road, but I heard Mr. Laycock tell the Soldier to thresh you, will you suffer yourself to be struck.

Q.—Did not the Soldier give me the first blow?

A.—Yes, I have said so.

Q.—Did not I cry Murder?

A.—Yes.

Question by the Defendant Laycock.—

Q.—How near was you to me at the Beginning of this Business?

A.—I was on the Road, coming from my back gate, walking down, and I saw them coming towards me—I was about the middle of the Road.

The Witness not perfectly recollecting the distance nor situation, and wishing to measure the road, he was sent out attended by Captain McArthur.

The Question answered by Mr. Divine—when I first saw them coming towards me, I was 73 paces from them.

Q.—Do you recollect what part of the road I stood in when you first saw me?

A.—Nearly about the Centre of the Road from the Bridge coming up from the Spring.

Question by Mr. McKellar.—When Mr. Boston got the Axe into his hand did he make any attempt to strike the defendant Faithfull with it?

A.—I did not see him make any use of it, or any attempt.

Q.—How did Mr. Boston obtain the Axe—whether by Violence or by what means?

A.—By Violence.

Q.—Did Mr. Divine see any necessity for that Violence being used?

A.—He (the Plaintiff) wanted something to defend himself from Faithfull.

Q.—What Violence did you see offered by Faithfull to the Plaintiff to justify that Violence?

A.—None.

Q.—If you saw no Violence offered on the part of Faithfull, what induced you to form any Opinion that the Plaintiff wanted to defend himself from Faithfull?

A.—Because he had been before desired to strike him.

Q.—What conversation did you hear previous to the altercation respecting the Axe with Collins?

A.—I heard Mr. Laycock tell the Soldier, to go up and thresh Mr. Boston, saying will you suffer yourself to be called a Rascal by him.

Q.—Did you hear Mr. Boston say that all the Soldiers were thieves and rascals, and abuse them very grossly?

A.—I did not.

Q.—was the Croud so great at the beginning of the Business that had I been there you could not have seen me?

A.—There was not any Croud at first—I did not see you at the beginning.

Q.—was it possible, if I had been there that you could not have seen me?

A.—If you had been there I must have seen you.

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Questioned by the Court.—On the Oath you have taken, did you hear Mr. Laycock, when urging the Soldier to thresh Mr. Boston say at the same time, will you suffer yourself to be struck?

A.—I did not.

The Witness begged to amend that question, to which when put to him before he said Mr. Laycock had said, will you suffer yourself to be struck.

Q.—What was the cause of the difference that when you was at some distance you heard what passed, but afterwards when nearer you could not hear?

A.—Because Mr. Boston spoke so loud and distinct at first that every one could hear afterwards they spoke quicker.

EDWD. COLLINS, being called by the plaintiff was sworn:—

Questioned by Plaintiff.—Do you remember seeing Mr. Boston coming with some warmth, and exclaiming who is the damned Rascal who shot my sow?

A.—Yes.

Q.—State to the Court what followed?

A.—The Pigs were in the Garden of Captain Foveaux where the Sow was shot—and Mr. McKellar was in the Garden with Faithfull driving the Pigs into one corner; at this time Mr. Laycock came and asked Faithfull if he had shot one—Faithfull replied he had shot one—Mr. Laycock told him not to shoot any more, one was sufficient. He (this Evidence) had an Axe and a Piece of Sugar Cane in his hand, which Mr. Boston wrenched out of his hand—that he asked him for the Axe, which he gave up—that Mr. Boston was still raging and making us of the word Rascal, Mr. Laycock asked him who he called Rascal—he said any person who shot his Pig—in the mean time Faithful had gone up the Garden towards where the Pig was shot, with that Mr. Laycock called him back, telling him here is a man calls you a Rascal—if you stand and hear yourself called a damned Rascal, you are a fool if you do not give him a good licking—Boston and Faithfull stood wrangling together for a Minute, on which Faithfull struck Boston with the Piece, with such force that the Ram Rod flew out after he had struck him, which was on the back part of the head, Mr. Boston lifting up his hands hollowed out Murder—with their struggling together, after he recovered himself from the Blow he caught hold of the piece and Mr. Laycock went up, saying the piece was loaded, and took it away from them. Mrs. Boston came and parted them and persuaded him to go home.—That having got rid of Mrs. Boston, the Plaintiff struggled with Faithfull scratching his face and was near proving too many for him, when another Soldier came up, to whom Laycock said will you suffer a Soldier to be called a Rascal, and then Mr. Boston ran away, before the Soldier could catch him.

Question from Plaintiff.—Do you recollect hearing Mr. Laycock tell William Eaddy to follow me when I ran away?

A.—No I do not.

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Q.—Do you recollect Mr. Laycock telling Faithfull to thresh me as long as I had life?

A.—No.

Q.—Do you remember seeing Eaddy advancing in an attitude to strike me?

A.—Yes.

Q.—what time was it that I took the Axe from your hand, was it before or after Faithfull was called by Mr. Laycock to thresh me?

A.—He had been called and was coming.

Q.—Did you hear Mr. Laycock call Faithful to thresh me, before I took the Axe out of your hand?

A.—Mr. Laycock had called him, and before he came to him, Mr. Boston had take the Axe from me, and I had gotten it back.

Q.—By whose Orders did Faithfull strike me with the Gun?

A.—I did not hear any one order him to strike you with a Gun.

Q.—Did you hear McKellar give any Orders to thresh me?

A.—No I did not—I did not hear Mr. McKellar say anything at all.

Question from the Defendant McKellar.—How did I appear to be driving the Pigs into the Corner of the Garden?

A.—For to get them together, for him to shoot again.

Q.—why do you suppose it was for that purpose?

A.—Because the Gate was open, and you were driving them into one Corner, before Mr. Laycock came.

Q.—Did you hear me speak to Faithfull, and if you did, what did I say?

A.—No I did not.

Q.—Were Mr. Laycock or me present when the Pig was shot?

A.—No—I think Mr. Laycock come out of his own Garden afterwards.

Question from the Defendant Laycock.—When you first saw me, where was I, and who was with me?

A.—You was coming towards the place where the Pigs were, and was alone.

Q.—Did you see me walking with Mr. Boston at the Bridge near the spring?

A.—No.

Q.—when you first saw Mr. Boston, which way did he come?

A.—Round Keeling's the House nearest to the Bridge.

Q.—Did you see Mr. Boston come the same way that I did?

A.—Yes.

Q.—When Mr. Boston came up, where did you first see me standing?

A.—At Captain Foveaux's Gate.

Question fm. Boston.—Did not Mr. Laycock meet me when I came up?

A.—I do not recollect, Mr. Laycock was standing at the Garden Gate.

Question from Defendant McKellar.—whether he supposes either of the Defendants knew whose Pigs they were which were shot?

A.—I do not know that either McKellar or Laycock did, for on being asked by Laycock, I told him they belonged to P. Palmer.

Q.—In what manner was the Axe taken from you by Boston—whether by force?

A.—Not much force, I rather let it go—he gave it up again on my asking for it.

Q.—Did Mr. Boston strike Faithfull?

A.—Not before he struck him with the Piece.

Q.—How or with what did Boston strike Faithfull?

A.—With his hands—they were both fighting together when the Piece was taken.

Q.—Was it possible he could use any Weapon when striking Faithfull without his perceiving it?

A.—No he had none—not even the Sugar Cane.

Q.—Did Mr. Boston cry Murder loudly or faintly?

A.—Very faintly.

Q.—Did they fight afterwards?

A.—they did not fight any before.

Q.—Did Mr. Boston seem to fight from choice or in his own defence?

A.—In his own defence.

Q.—Does he suppose that Faithful would have done any Injury to Mr. Boston if he had not run away?

A.—No he could not—the other man possibly might.

Q.—Did it appear to you that either myself or Mr. Laycock encouraged Faithfull to injure Mr. Boston so as to endanger his Life?

A.—No—no more than to thresh him; the Piece might have taken his life from him certainly, in the manner he hit him with it.

Q.—Did you hear Mr. Boston abuse the Soldiers, and Faithfull in particular?

A.—No—no otherwise than by making use of the Word Rascal to Faithfull.

Question from Defendant Laycock.—Did you suppose I ordered Faithfull to beat the Plaintiff, out of any malice, to him, or because he had called the Soldier a Rascal?

A.—Because he had called the Soldier a Rascal.

Question from Plaintiff.—Why did I call Murder in a faint voice?

A.—Weak from the Blow.

Q.—Did I appear to tremble?

A.—Yes—you did.

Question from McKellar.—What time was there between Mr. Boston's receiving the Blow and Grappling with Faithfull?

A.—A very short time.

The Court here adjourned until 9 O'Clock on Tuesday morning, the 15th instant.

Tuesday, 15th December 1795.

THE COURT met pursuant to their last adjournment.

MARK TURNER called by the Plaintiff, being sworn:—

Question by Plaintiff.—State to the Court what you know of the Transaction of the 29th Octr.

A.—I was coming by the Paling when the Soldier was going to shoot the Sow—I saw him shoot it—he loaded the Piece again to

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shoot another—the Defendant Laycock came up and asked him if he had shot one, he said yes,—he then told him that was Damage enough—Mr. Boston now came running up crying where is the Damned Rascal who shot my Pig—repeating this, saying if he had been made acquainted with the Circumstances he would have paid any Damage—Mr. Laycock then called to Faithfull telling him the Plaintiff had called him a Rascal, and bade him thresh him—the Soldier struck the Plaintiff, and the Plaintiff struck him—he attempted to take a Piece of Sugar Cane from some by stander, E. Collins, and an Axe which he had in his hand and which he got from him, but gave up again;—that he saw the Soldier strike him (the Plaintiff) with the Musquet—that Mrs. Boston ran out and persuaded the Plaintiff who had cried out Murder, to make his Escape which he effected.

Question Plaintiff.—Did not I give the Axe back to Collins before the Defendant struck me with the Gun?

A.—Yes you did.

Q.—Did you not hear Mr. Laycock tell Eaddy to thresh me as long as I had life—I had called a Soldier a Rascal?

A.—No—I cannot recollect that I did.

Q.—Did you see Serjeants Jamison and Whittle?

A.—They came when the Business was nearly over.

Q.—Did you see Mr. Divine there?

A.—Yes.

Question by Defendant McKellar.—With what did Faithfull strike Mr. Boston, before he got the Musquet?

A.—I saw nothing in his Hand but the Musquet.

Q.—On what account did the defendant strike the Plaintiff?

A.—Because he called him a Rascal—and Mr. Laycock had therefore told him to give him a good threshing.

Question by the Court.—You saw the Defendant strike the Plaintiff, what had he in his hand at the time?

A.—Nothing when he was first struck.

Q.—What was the first blow given with?

A.—With his hand.

Q.—Had Faithfull then his Musquet in his hand?

A.—Yes.

Q.—Which Hand held he the Musquet in?

A.—I do not recollect.

Q.—What occasion the Defendant to strike the Plaintiff with a Musquet?

A.—On account of his having caught at the Axe—several People calling out to the Soldier to knock down the Plaintiff for so doing: I am positive that Blows were given with the Hands, before that with the Gun.

Q.—Who gave the first blow?

A.—the Defendant, and with his hand, I apprehended the motive of the Soldier's striking the Plaintiff with an Musquet was the People crying out to him to knock him down.

Q.—At the time the Soldier with the Musquet struck the Plaintiff, had he anything in his Hand?

A.—Nothing.

Question by Plaintiff.—Did you hear Mr. Laycock or Mr. McKellar, say knock him down with the Gun?

A.—No I did not, I did not hear McKellar say any thing, did not see Serjeant Major Hudson there.

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ANDREW CLARK, called by the Plaintiff, was sworn:—

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Question by Plaintiff.—Do you remember anything of the Affair of the 29th Octr.?

A.—Yes—I was in Bloodworth's yard, and heard a Gun go off—I went out and saw a Sow dead, in the next yard but one to Mr. Bloodworth's—Mr. McKellar and the Soldier Faithfull were walking in the yard, I then heard Mr. Boston crying out what Rascal had shot his Hog without letting him know it—Mr. Laycock then spoke to the Soldier telling him the Plaintiff had called him a Rascal, and bade him give him a flogging—I then saw the Soldier strike Mr. Boston with a Gun—Mr. Laycock took the Musquet away—and then the Plaintiff and Defendant Faithfull had a Contrast together—Mrs. Boston then came and got her Husband away.

Question by Plaintiff.—Did you hear any body cry out knock him down with a Gun?

A.—No—I do not recollect.

Q.—Did you hear Mr. Laycock tell Eddy to thresh me?

A.—No.

Q.—How far was you off?

A.—About Forty Yards.

Question by Defendant McKellar.—Where was you when you heard Mr. Laycock tell the Soldier to beat the Plaintiff?

A.—In Mr. Bloodworth's yard.

Q.—What word did Mr. Laycock make use of when he bade the Soldier beat Mr. Boston?

A.—He bade him come down and give him a good threshing.

Q.—Did you see any Blows pass before Faithfull struck the Plaintiff with the Musquet?

A.—No I did not.

Q.—Had there been any Blows pass, you must have seen them?

A.—There might have been blows which I might not have seen.

Q.—With what Tone of Voice did Mr. Laycock tell the Defendant to thresh the Plaintiff?

A.—I cannot exactly say—he did not speak very loud.

Q.—Did he speak in the tone of People in common Conversation?

A.—Much louder.

Question by the Court.—What had Mr. Boston in his hand when he was struck?

A.—I did not see him have anything in his hand.

Q.—Did you see Collins there?

A.—No—I did not see any one in particular there.

Q.—How near was you to the Parties at this time?

A.—I was in Bloodworth's yard all the time.

Q.—Had Mr. Boston struck the Soldier before he received the Blow with the Musquet?

A.—I did not see him—I think I should have seen it if he had.

Q.—For what cause did the Soldier strike the Plaintiff?

A.—I suppose because he called him a Rascal.

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Question by Plaintiff.—What distance was there between Faithfull and Laycock, when he called to him to thresh me.

A.—Mr. Laycock stood at the bottom of the yard, and Faithfull half way up.

EDWARD COLLINS, called in again by the Plaintiff was sworn:—

Question by Plaintiff.—Did you see Serjeant Whittle, Jamison and Hudson there?

A.—I saw Serjeant Whittle, Jamison, and Ikin come there after you had been struck with the Piece; I saw Mr. Divine there.

THOMAS RUMBOLD, called by the Plaintiff was sworn:—

Question by Plaintiff.—Inform the Court what you saw of the Affair of the 29th October.

A.—I was at Serjeant Ikins, and saw a mob by Skirvings—Mrs. Boston ran out I saw Faithfull and the Plaintiff struggling—I heard Boston use the word Rascal, and heard Laycock say to Eaddy will you suffer a Soldier to be called a Rascal thresh him the Plaintiff; I saw several Blows pass, and some from Faithfull to Boston after Mrs. Boston had separated them.

Q.—Did you hear Mr. Laycock tell Eaddy to follow me and thresh me?

A.—I did—he said are you a Soldier and suffer yourself to be called a Rascal, run after him and thresh him, on which the Plaintiff ran away.

Q.—Did you see Serjts. Whittle, Jamison and Hudson there?

A.—I did not see Hudson there, I saw the other two.

Question by Defendant McKellar.—Did you hear the Plaintiff make use of any approbrious language calling the Soldiers thieves and Rascals?

A.—I heard Mr. Boston make use of the word Rascal, but do not exactly know who he applied it to.

Q.—Did you hear him use that word often?

A.—Only once—just when he was running away.

Question by the Court.—Did you see any Blows struck with a Musquet?

A.—No.

GEORGE CARMAN, called by Plaintiff, sworn:—

Question by Plaintiff.—Inform the Court what you know of the Affair on the 29th Octr. last.

A.—I was close by the paling when the Pig was shot, I saw Faithfull there loading his piece a second time—there was 3 more pigs in the yard, then came Mr. McKellar, and he was followed by Mr. Laycock.—I then heard Mr. Boston coming in a great passion, saying what damned Rascal is that who has shot my Pig—Mr. Laycock then called to the Soldier, saying do you hear, this man calls you a Rascal, do you take that—give him a damned good threshing. On which the Soldier ran out with a piece in his hand, to beat the Plaintiff, and I saw him strike the Plaintiff with the Piece on his head, and the Ram Rod flew out. I saw this through the Paling—and knowing that the piece was loaded I was afraid some accident might happen, I then went away.

Q.—What kind of a piece was it?

A.—A Musquet.

Q.—What was done to it by the Blow?

A.—It was crooked or bent, the man who had it to straighten, brought it to me.

Q.—Who repaired the piece?

A.—Thomas Hodges.

Q.—Did he tell you he was desired not to say he had repaired the piece?

A.—No.

Q.—What did the man say to you about it?

A.—He said he had it to straighten, it was bent.

Question by Defendant McKellar.—Where was the Soldier and Mr. Boston at the time, the former struck him?

A.—At the bottom of the yard, without the Gate.

Q.—Did you see him strike him?

A.—Yes.

Q.—Do you know if the Piece was bent by the Blow?

A.—Not of my own knowledge, I was told so by Hodges.

Q.—Were there any Blows struck between the parties before that with the Musquet?

A.—I am positive there were not—they were not in the same place together.

Q.—When did the Soldier lay down the Gun, which you say he took up to beat the Plaintiff?

A.—He put it down when he opened the Gate to let the Pigs out.

Q.—Did he let the Pigs out?

A.—Yes, after Mr. Laycock had told him not to shoot any more.

Q.—Can you shew the Person to whom Mr. Laycock addressed himself, when he bade him thresh Mr. Boston.

A.—Yes,—the Soldier nearest to me.

Q.—How do you know who Mr. Laycock spoke to—did he call him by name?

A.—No he did not.

Question by the Court.—Did you see the first blow struck and with what?

A.—I did—and with the Musquet, I saw the Ram Rod fly out.

Q.—What effect had the Blow on the Plaintiff?

A.—I do not know—he sung out Murder.

Q.—You saw 3 Pigs in the Close besides the one that was shot—were they of inferior value?

A.—They were much smaller.

Q.—Was it a fine Sow that was killed?

A.—Yes, I saw the Pigs kicking in her as she was dying.

Question by Plaintiff.—Did you see the Musquet before it was repaired?

A.—No, I did not.

Question by Defendant McKellar.—If Faithfull struck Boston immediately on his coming to the Gate?

A.—Yes, immediately.

Q.—What effect had the Blow immediately on Mr. Boston?

A.—He staggered but I do not know if he fell.

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Question by Laycock.—Did you hear me tell the Soldier to strike with a Gun?

A.—No, I did not.

The Plaintiff, having no other Witnesses to call.

Serjt. Willm. Jamison was called on the part of the Defendants and sworn.

Q.—Relate to the Court what you saw of the Business of the 29th October.

A.—I was then in Serjt. Whittle's House and saw Boston coming along raving, he asked of 2 Soldiers where is the damned Rascal who has shot my Pig;—I know not what they said—but heard Boston say, "he would cut off his head by ——" he then went towards Captain Foveaux's Garden—I then went out and had a view of Boston—I saw him strike Faithfull at the end of Captain Foveaux's Garden—he retreated and Faithfull followed and struck him with the Musquet—I heard Boston call out Murder 2 or 3 times for the space of 2 minutes, I could not see him, for some paling—when I came up they had both hold of the Musquet. Boston struggling to get the Musquet from him, calling Faithfull in the mean time you damned Rascal Mr. McKellar interfered and endeavoured to take the Musquet away saying it was loaded—he could not, Mr. Laycock did—and at that Moment Boston struck Faithfull on the Nose and his face was all over Blood—they then fought with their Fists—Boston getting the better of Faithfull. Mrs. Boston then came and interfered and was able to hold them both at arms length from fighting—she said to Boston, he demeaned himself for so doing—he made Answer my dear Mrs. Boston I feel myself very much hurt by a Parcel of Rascals—their Officers are no better—Mr. Laycock immediately said mind Sir, what you say—Boston replied if you encourage it you are no better—Mr. Laycock turned about and said, are there any Soldiers taking notice of this—Eaddy was then proceeding to get to Boston—he then ran up the Ally which leads to Bloodworth's House—Mrs. Boston intercepted Eaddy catching hold of him by the Frill of the Shirt—Mr. Laycock then said he was a good for nothing fellow, and deserved a licking—Mrs. Boston replied you are a pack of Thieves altogether. Upon the Oath I have taken I saw the Plaintiff strike the first Blow.

Questn. by Plant.—What distance was you from the Soldiers whom you saw me speak to?

A.—About 40 paces.

Q.—What distance was you from me?

A.—Half that quantity.

Q.—Where were the Soldiers when you saw me call after them?

A.—A little above the Road leading to the Barracks.—you was on the end of the bridge leading over the Spring.

Q.—Do you know for certain I call'd to the Soldiers?

A.—I do—I saw the Soldiers but paid more attention to you.

Q.—How do you know I call'd to them?

A.—You hailed to them there was not any other person present.

Q.—You have said that you was at Whittles door—why did I not call to you instead of the Soldiers?

A.—You did not appear to be in a direction with me, but with the Soldier, who answered you.

Q.—At what place did the Affray happen?

A.—Near as possible to Captain Foveaux's Garden Gate.

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Q.—Where was I running to when I came round exclaiming etc.?

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A.—You appeared to be going over the Bridge but made a full stop.

Q.—Had I any thing in my Hand to cutt a Man's head off?

A.—Not that I perceived.

Q.—How near was you to me when I struck Faithfull?

A.—About 40 Yards, there was to the best of my recollection 3 people present, one a Soldier.

Q.—Did Mr. Laycock meet me before I got down to the bottom of Foveaux's Garden?

A.—No.

Q.—Where did I go then?

A.—You went as far as Captain Foveaux's Garden Gate.

Q.—Did I go within?

A.—I cannot swear.

Q.—Where was Faithfull?

A.—In the Garden coming down.

Q.—How soon did I strike Faithfull after I came there?

A.—Not exceeding a Minute—after appearing to me to have some discourse with either Faithfull or Laycock—I did not hear the discourse.

Q.—How did you know it was a discourse?

A.—I heard you loud enough talking to either one or the other—you was talking loud enough to be heard distinctly 100 yards; You damned Rascal, you have shot my Pig.

Q.—Was I within or without the Gate when I struck Faithfull?

A.—I cannot say on my Oath.

Q.—Did you not hear Mr. Laycock tell Eaddy to thresh me?

A.—No.

Q.—What did he say?

A.—He turned his head over his shoulder, and said is not there any Soldier who takes notice of this etc.

Q.—Are you certain that Mr. Laycock did not tell Eaddy, and shoulder him asking him if he would suffer a Soldier to be called a Rascal.

A.—I am positive I did not hear such Language—there was a great Mob.

Q.—Did you hear Laycock tell Faithfull to thresh me?

A.—No I was too far off.

Q.—Did you come over the Bridge alone?

A.—Serjeant Ikon followed—I came alone.

Qn. by the Court.—How near was the Plaintiff to the 2 Soldiers?

A.—About 60 Yards, they turned about and answered him; no other person was present, he was standing on the Bridge stamping and storming: when I saw the Blows I made haste to the Spot.

Q.—With what did the Plaintiff strike the Defendant the first Blow?

A.—A piece of Bamboo or a piece of Sugar Cane, which he broke over his head.

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Q.—Had he anything in his hand when you saw him on the bridge?

A.—Nothing.

Q.—Did you lose sight of him from there until you saw the Blows?

A.—No.

Q.—Can you tell us how he came by this Piece of Bamboo?

A.—He tried as he went along to take up one of the Paling—he did not get any up, and cannot say how he came by the piece of Sugar Cane.

Q.—What had Faithfull in his hand when Boston struck him?

A.—The Musquet.

Q.—Did Faithfull immediately strike Boston on receiving his Blow?

A.—Mr. Boston retreated four or five paces and Faithfull followed and struck him.

Q.—On the Oath you have taken, the Plaintiff with a piece of Sugar Cane, in his hand struck the Defendant the Blow, who had a Musquet in his hand?

A.—He did.

Q.—On what part did he hit him?

A.—On his head—I saw the wound—it bled.

Q.—Did you see the Plaintiff take a piece of Sugar Cane from any one?

A.—No.

JAMES BIGGS, called by the Defendant, sworn:—

Q.—State to the Court the Circumstances which you saw on the 29th October?

A.—I saw the Plaintiff coming along in a riotous manner—we met—I heard him call to a Soldier; Hollo you Soldier, where is the damned Villain of a Rascal who has shot my Pig; I told him it was shot in Captain Foveaux's Garden—he went thither—Mr. Laycock was at the Gate—the Plaintiff asked him where was the damned Villain of a Rascal who shot my Pig; Laycock called Faithfull who came—Mr. Boston asked him if he was the damned Rascal who shot his Pig—Faithfull said he was, why do you not keep him out of the Garden—he called Faithfull a damned Black-guard Rascal, he then drew back from him and clapped his hand on one of the Paling, but could not move it—he snatched a piece of Bamboo or Sugar Cane from a Man who was passing by, and running at Faithfull, struck him over the head—he drew back from Faithfull and Faithfull followed and struck him with his Musquet—he closed with Faithfull and attempted to get it from him, but was prevented by Mr. Laycock and McKellar who took it away saying it was loaded, Mrs. Boston came and separated them, keeping them at arms length—the Plaintiff abused the Defendant, saying d—— his Soul, he would be revenged of the Soldier who shot his Pig—Mr. Laycock then asked if there was no Soldier present Eaddy said yes here is one—Mrs. Boston caught hold of Eaddy by the Shirt and tore it; when he got into the passage of Bloodworth's Garden, he said you are all a d—— parcel of Rascals together.

Question by Plaintiff.—You saw me coming along, where was you at the time?

A.—Close by you.

Q.—Did Mr. Laycock call to any one when I asked who was the damned Rascal that shot my Sow?

A.—He called to Faithfull.

Q.—What did Mr. Laycock say to Faithfull?

A.—He told him there was a man who called him a damned Rascal—and nothing else—I came down with you.

Q. Who struck the first blow?

A.—Faithfull, he struck the first blow with the Musquet after he had been struck.

Q.—Where did I get the Sugar Cane?

A.—You took it out of a Man's hand.

Q.—Who was present?

A.—Mr. Laycock and myself—I did not see any other—I paid attention to you.

Q.—Did the first blow happen within or without the Gate?

A.—You gave him the first blow upon the threshold of the Gate.

Q.—What time passed before I struck Faithfull from my coming to the spot?

A.—A Minute—you left the place after you struck him.

Q.—Do you remember Mr. Laycock shouldering up Eaddy and telling him to thresh me?

A.—I heard no such word.

Q.—Did I leave the Gate immediately on striking Faithfull?

A.—Yes you drew back 3 paces into the Road.

Question by Ct.—When Mr. Boston asked Faithfull if he had shot his Sow whereabouts was he?

A.—He was standing by the threshold of the Door.

Q.—Where was Faithfull?

A.—Within side of the Gate.

Q.—Did Mr. Boston look up the Garden when he spoke to him?

A.—Yes he did, he struck him with the Barrel of the Musquet.

SERGEANT THOMAS WHITTLE, called by the Defendant—sworn:—

Q.—Relate to the Court what you know of the business of the 29th October?

A.—Serjeant Jamison was in my House—I saw the Plaintiff coming along asking who was the d—— Rascal who had shot his Sow, he would be d—— but he would cut his Head off—Serjeant Jamison and Ikon went out and I went with them, but returning for my Hat before I got to the place the business was over.

SERGEANT OBEDIAH IKIN, called for the Defendants, sworn:—

Q.—Relate what you know of this affair?

A.—I was at Whittles—heard the report of a Musquet—looked out to see where it came from—heard a voice saying where is the d—— Rascal who has shot my Pig—went out soon after I saw some people assembled at the bottom of Bloodworth's. The first I saw of Faithfull was when he was coming from where the Crowd was his face was very much covered with Blood—I asked him how he came by it, he said the Plaintiff had struck him with a stick nearly as thick as his wrist and had cut him in the forehead—I perceived a Cut under the Hair. The Plaintiff was within the Gate of the Close—Mrs. Boston was endeavouring to get him away.

Question by Plaintiff.—How long before you left Whittle's House did Jamison go out?

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A.—About 5 or 6 Minutes. I did not leave Whittle's with Jamison.

Q.—At what time did you come up to the Gate?

A.—At the time Mrs. Boston was entangled with you—at the time you was using the word Rascal.

Q.—Did Faithfull tell you I had given him a Bloody nose?

A.—Yes the blood was rubbed all over his Face—the wound was bleeding.

Question by Deft. Laycock.—After I had said to Mr. Boston the Soldiers were neither Thieves or Rascals, what reply or gestures did Mr. Boston use?

A.—He held up his hand and replied they are Rascals.

HERBERT KEELING, called by the Defendants, sworn :—

Q.—When you gave information to the Plaintiff that his Pig was shot what answer did he give?

A.—I informed him it was shot in Captain Foveaux's Garden—his answer was then he would shoot him.

Question by Laycock.—what information did you give Mr. Boston respecting his Sow being shot?

A.—I informed him his Pig was shot in Captain Foveaux's Garden. I explained to him, hearing what he had said respecting Captain Foveaux that it was the Man who had the care of Captain Foveaux's Garden. I heard him say as he passed the Paling, where is the Rascal who shot my Sow.

Question from the Plaintiff.—Do you recollect what time Serjeants Jamison and Whittle came to the place?

A.—When I got there Mr. Boston and his Wife were turning into the Garden, I believe the Serjeants came there at the same time I know Ikin did—Ten Minutes elapsed from his coming round the Paling to my coming to the spot where the affray was, I observed Whittle and Jamison there rather above me, and Ikin had just crossed over.

The Evidence on the part of the Defendants here closed.

The Court was about to adjourn when the Plaintiff informed them James Biggs who gave his evidence after Serjeant Jamison, was seated without the place where the Court met, and within hearing of every word the Witness Jamison said.

The Court then adjourned until Eleven O'Clock on Tuesday the 29th Instant.

Tuesday, 29th December, 1795.

THE COURT met pursuant to their last Adjournment.

The Defendants requesting to call another Evidence—it was admitted.

GEORGE WILSON, was called in and sworn :—

Question by Deft. McKellar.—Relate to the Court what you know of the transaction of the 29th Octr. last?

A.—I was standing at the Corner of Herbert Keeling's Paling, about 3 or 4 O'Clock on that day—when I saw the Plaintiff strike the Defendant Faithfull with a stick—and afterwards saw Faithfull with a piece—I then left the place and saw nothing more.

Q.—Do you suppose it was a stick he struck him with from its appearance?

A.—It looked like one, but I was not positive, being too far off.

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Question by Plaintiff.—At what part of the business did you come up?

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A.—At the time you struck the Soldier with the stick—you was standing by the Soldier—almost by the side of Captain Foveaux's paling—it appeared like a stick I stood 60 or 70 yards from you.—a slight stick 3 feet long.—Cannot say whether the Soldier had struck you before—you was standing 8 or 10 yards from Captain Foveaux's Gate, I do not know whether above or below the Gate.

Question by Court.—On the Oath you have taken, did you see the Plaintiff strike Faithfull a Blow with a stick previous to his receiving a blow from him with a musquet?

A.—On the Oath I have taken, I did.

Q.—How long was you in coming from the Mill, to Keeling's Paling?

A.—About 10 Minutes.

Q.—Had the Soldier his hat on?

A.—I cannot say, I do not know whether any Blows had been given before the Plaintiff struck the Soldier.

THE PLAINTIFF here addressed the Court in the following Memorial:—

Memorial for John Boston.

The Memorialist, without affectation, is extremely sorry that upon an occasion of this kind, he should find it necessary to trouble this honorable Court.

The duty which he owes to his Family, and to himself, impose upon him this obligation—of the defendant Mr. Laycock he has no knowledge; he never was concerned with him in any transaction and he cannot possibly conceive how that Gentleman could form any malice against him, yet certain it is that Malice was formed at a very early period; In proof your honors are referred to a true Copy of the Correspondence herewith produced.

The Memorialist imagines that his Answer to what he must call very illiberal and unauthorised letter to Mr. Laycock, was neither unbecoming his Character as a peaceful Settler in this Colony nor as a Gentleman;—to this correspondence the only one of the Kind, which ever existed with the Defendant, the Memorialist would not have alluded, if he did not think it afforded a key, to the transaction which is now the subject of investigation.

Relying upon the candor and justice of this Court, the Memorialist thinks it unnecessary to enter into minute detail of the proof;—he however thinks proper to state the following observations.

1st The Order of the Government undoubtedly was to empower the person injured, to shoot any Pigs trespassing upon his ground.

But it invested this power with no third party. The Officious interposition of another in which as he suffers no wrong could have no interest must be ascribed to other motives than to a regard for the law, and for the police of the Colony;—The correspondence above alluded to in Mr. Laycock unfold these Motives—In the case of the other Defendant Mr. McKellar they are not so obvious:—to the Memorialist they are absolutely unknown to him Mr. McKellar is an utter stranger, and perhaps upon this very account, his volunteering as an Auxiliary of Mr. Laycock enhances his guilt.

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2dly. The Memorialist has admitted in Court, and now freely and frankly admits, that upon the first information of his Pig being shot, he uttered words of Passion. He puts the question to your Honors; was human nature in such circumstances culpable; were they uttered in presence of the Defendants; could they provoke their Passions.—The proof presents the Answer; But the name of Captain Foveaux has been introduced; Captain Foveaux is a party foreign to this cause, the proof therefore is inconclusive—but supposing it had been Captain Foveaux, or even any one of your Honors, these words uttered in the Moment of impression in the absence of the parties could not have justified the Assault.—With contempt the Memorialist has heard the Plea urged by the Defendants, that their Conduct was influenced by a jealous regard for the Honor of the Corps; what was the Honor of the Corps concerned in the pitiful dispute about the slaughter of a Pig, but to be serious can your Honors believe, that at that Moment the idea of the Corps entered the mind of the Defendants; he respects, he highly respects the honor of a Soldier, and he must be pardoned for asserting that when a petty fogging attempt to introduce that Honor in this Mode, is made something more than reprehension is due.—He respects the Honor of the Corps, and he believes no privates would have exposed themselves to the present situation of Messrs. Laycock and McKellar.

3dly. Attempts have been made to prove that the Witnesses for the Memorialist have perjured themselves, the candour and the good sense of your honours will perceive in these discrepancies if any such there be, the proof of their veracity. Have they erred in the great circumstances, have they contradicted themselves in proving that the first blow was given by the defendants; have they contradicted themselves in proving that the Memorialist was the person assaulted, not the assaulter, who can be accurate to admeasurement of paces, accuracy would imply the suspicion of a preconceived story.—Humble as the Memorialist may be he is yet superior to the Defendants, and he will not plant his witnesses in contravention to the Order of the Court and to the laws of justice to listen to each others tale.

4thly. Since the term perjury has been brought forward the Memorialist with concern must recriminate the charge upon the witnesses of the Defendants, he appeals to the recollection, and he summons the indignation of your honors; what was the testimony of Mr. Biggs in contradiction to every witness, this person in asserting that the Memorialist was the first aggressor confutes himself, the memorialist struck the first blow, first it was with a stalk of Indian Corn, secondly with a Sugar Cane, Thirdly, Mr. Faithfull was struck, and fourthly Mr. Faithfull himself was the first person who assaulted the Memorialist; 5thly That the Memorialist never left the field of action and 6thly that he did leave it to go in quest of such hostile weapons as sugar canes and stalks of Indian Corn.

Perjury is a crime too serious for ridicule, the miserable wretches who must answer to this charge demand pity. Superior guilt must hang over the heads of those, who have prompted them on to the perdition of their souls.

To conclude, the Memorialist however much he regrets the occasion yet feels a satisfaction in having instituted this suit. The

impartial, and the dignified conduct of your honors during the trial, have proved to the Colony, that justice is open to all, and that none are superior to the laws, with this idea he instituted the process, and having accomplished this object, whatever the determination may be, he remains satisfied in the conscientiousness of having discharged his duty, to himself, his family and his country.

JOHN BOSTON.

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After which the Defendants requested the indulgence of a Day, which was granted them, to prepare their Reply.

George Legg was then brought before the Court at the suit of Edward Abbott Esqr. to answer to a Debt of Thirty seven pounds—the Plaintiff offering to give the Defendant a general release, on his paying him the Sum of Twenty pounds the Defendant stated he should be able to pay that Sum in a few Days. He was remanded to the Custody of the Provost Marshall.

The Court then adjourned untill Eleven O'Clock tomorrow the 30th instant.

Wednesday, 30th December 1795.

THE COURT met to its last Adjournment.

THE PLAINTIFF addressed the Court and delivered the following Paper:—

Additional observations for John Boston.

The Plaintiff rests satisfied, in the full conviction, that the investigation of truth, is the object of this Honorable Court: such likewise is that, which he with the utmost sincerity professes, he therefore will avoid all captious objections, to the admissibility of the Evidence, of George Wilson brought forward yesterday.—He will make no remarks upon the improper, not to say, suspicious conduct of the Defendants, in adducing such testimony, after such a period of time had intervened from the assault to the commencement of the prosecution, from the commencement during the various stages of its pendency untill the period, when after having made every enquiry, and after having called every witness, whom they could surmise to have had any knowledge of the transaction, they declared upon their part the proof to be finally concluded.

The Plaintiff is persuaded, that giving the utmost force, to the deposition of Wilson, however favourable it may be to the other Defendants, it must be totally unavailing to Messrs. Laycock and McKellar before however he states his reasons for so thinking he must beg leave to make one or two observations, which induce him to imagine the testimony of this man can be of little service to any of them.

First it can be of little service to any of the Defendants, for it stands, stamped with the brand of perjury, upon its face, of perjury not conjectural, but real not the consequences of argumentative deduction, but of ocular inspection.—Your Honors will recollect that this man swears he was standing at the Corner of the Paling of Herbert Keeling's Garden, when he saw the Plaintiff at the Gate at the bottom of Captain Foveaux's enclosure, strike the Defendant Faithfull, will you be pleased to grant a Commission to any one or two persons, whom you may judge proper to inspect the local situation, and to report whither they think it possible, for a person placed where the Witness says he

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was, to behold the transaction, the plaintiff says it was physically impossible;—In what light then will your honors estimate the veracity of a man, whose testimony must contradict the senses of all, who have seen or shall see this spot of ground—It is necessary for the plaintiff to observe to your Honours, that in matters of much higher kind than the present dispute, falsehood has always been most victoriously refuted, when it has chosen to appeal to physical circumstances. The External senses of the men then determine, and not conjecture, which may be only the consequence of a preceeding illfounded supposition.

In the second place the plaintiff must observe, that altho there may be no direct contradiction, yet there is extreme improbability in the remaining part of the witness's deposition. To prove by who the first blow was given, was a circumstance highly material; To prove this highly material circumstance after the Defendants had declared all their Evidence exhausted, this witness was adduced. Ingenuity seldom counterfeits truth with exactness, The witness saw the plaintiff give a blow, he saw no more, except the return by the Musket: Cross examined the Witness cannot declare whether the blow was the first blow which constituted the assault, or whether it might not have been the effect of self defence, in consequence of one proceeding from the Defendant Faithfull.—Four witnesses of veracity, Mr. Divine, Collins, Clerk, and Carman deposed the first blow was given by Faithfull; The deposition of this witness can in no respect contradict theirs. Biggs has sworn that the Assault commenced on the part of the Plaintiff, but the perjury of Biggs has been already remarked; with regard therefore to Jamison little remains to be observed, his Deposition cannot surely support in contradiction to that of Five others unimpeached, the testimony of one so varying in itself and so inconclusive.—There is another curious circumstance to be observed; Wilson merely saw the blow and that returned and saw no more, could no curiosity have prompted him to remain a Spectator of the further affray, must he merely turn his Eyes towards that particular point of it, and shut them to the rest.—It is not in human nature; It is not credible; It is not possible, and again he saw the blow struck 10 yards from the Gate of Captain Foveaux's Garden, he saw the Plaintiff, he saw the Defendant Faithfull, he saw the Gate at the same time. But did not know whether it was Ten yards within side the gate without side the gate, above the gate or below the gate.—It is impossible had he been so particular as to know to be 10 Yards from the Gate, he must have known in what direction he has sworn it was Ten yards from the gate; Jamison and Biggs have sworn it was upon the Threshold of the gate; but the Plaintiff doubts not he has proved to the satisfaction of this Honorable Court that no such circumstances ever happened, and that he was assaulted and not the assailant.

In the third place, give the utmost force to the testimony of Wilson, admit the Plaintiff to have been the assailant upon Faithfull, does this justify the Defendants Messrs. McKellar and Laycock, the first in driving the Plaintiff's pigs, up into a corner of Captain Foveaux's inclosure for the purpose of being shot at as a mark; and both in ordering armed Soldiers to murder an unarmed Individual; Let it be allowed as Officers and above all

as Magistrates, they felt resentment, in seeing the Plaintiff become guilty of a breach of the Peace upon Faithfull, yet what should have been their Conduct, not to have made an Assault upon him, not to Order Soldiers to knock him down with loaded muskets, but to have arrested him and to have taken the proper steps to have brought him before this Honorable Court to have answered for his Conduct; Let the assault upon Mr. Faithfull be considered to have been as great and greivous as it possibly could have been can it justify aggravated by rank and by Office an Assault still more atrocious upon the part of the Defendants Messrs. Laycock and McKellar. Dismiss Mr. Faithfull from the prosecution, let him bring an Action against the Plaintiff. Let the plaintiff be amerced in the highest damages, yet this little can avail the other Defendants, against them no verbal provocation is proved against them no real Injury is substantiated, as Officers, as bound by their characters as magistrates, to have preserved the peace, every witness concurs in proving that they have been, its violaters. Upon this great and comprehensive view of the question, your honors will be convinced that the Defendants Messrs. Laycock and McKellar have little reason to triumph in the evidence of Wilson. Dismiss Faithfull from the Action, he was a poor subordinate agent, from him the plaintiff would scorn to receive compensation. But the evidence of all the Witnesses, strikes home and strikes with irresistible force against the other Defendants.

The Plaintiff has put this branch of the Argument, in what he conceives to be the most luminous point of view, and has drawn from it the fairest conclusions.

With submission to the Court and to intrude the least possible upon their patience, he thought most proper, and most respectfull last night to draw up his observations, upon the evidence of Wilson. The Defendants have demanded time and have obtained leave to answer the Memorial which he presented yesterday. The present observations may perhaps preclude the necessity of any reply, to their answer. But if he should deem a reply necessary, he trusts from the Justice of the Court, he will receive that Indulgence.

The Plaintiff wishes to meet investigatoin in every form: his Character, his future happiness in the Colony, and above all the happiness, the security, and the interest, of his family require it.

That full, fair, and free investigation is likewise the object of your honors he knows with truth, and in this he reposes with confidence.

JOHN BOSTON.

THE DEFENDANT NEIL MCKELLAR then addressed the Court, and delivered in the following paper:—

When I first received intimation that a prosecution was commenced on the business now occupying the attention of this Court, and that I was amongst the number of persons accused, I felt concern, surprise, and indignation.—Concern, that it should appear I had submitted to see a Soldier so shamefully ill treated, with out pursuing some instant measure for the punishment of the Aggressor,—and surprise, and indignation, that so flagrant an Offender as the Plaintiff, should be permitted triumphantly to come forward as an accuser.—The portion of astonishment however which then existed in my mind, has been since totally

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obliterated by the acuteness of my feelings at the very extraordinary conduct I have witnessed in this Trial towards me, and the persons with whom I am accused. The Plaintiff's first attempt is to prove by the evidence of Ellis, the Malice of Mr. Laycock, all he has sworn is, that a note was written to the Plaintiff by Mr. Laycock demanding the payment of a debt, due to one of his Servants;—how the simple act of demanding payment of a Debt, can by the most forced construction be tortured to imply malice, I cannot conceive, unless it is admitted, that it is malicious to demand Money from a Man, who you cannot but know, does not possess a single Shilling.—I should have considered this part of the accusation, and the evidence produced in support of it unworthy the smallest remark, did I not deem it necessary to notice, that its introduction drew both from the Plaintiff and Ellis, a direct and scandalous libel on the Governor of the Country at the time they allude to, by declaring that the administration of Civil Justice was suspended.—It ought not however to excite surprise, that men should libel and defame every established and regular Government, whose boast and pride, is their design to subvert the constitution of their Country.

It has been stated that Faithfull shot the Plaintiff's Pig without Authority, or cause for so doing.—and that he was the instrument of Mr. Laycock who is said to have incited him to this undertaking from malevolence and a desire of injuring the Plaintiff.—How different is the truth as substantiated by evidence:—we have proved that the Pig was shot because it was at large, unyoked, unringed, and in open contempt of the standing orders of the Government; that it was shot—not in malice—or in wantonness, not at the instigation of Mr. Laycock, but because it was amongst others destroying the property of Faithfull's Master; Fences or fastenings were no Security against the levelling practices of this animal,—practices, which I conclude are carefully and industriously inculcated in every part of the household of its Master.

The declaration states, after the altercation had commenced between the Plaintiff and Faithfull, that Faithfull advanced towards him to strike with the Musquet;—that the Plaintiff seeing this, seized from the hands of a bystander an Axe to defend himself,—in proof of this the two evidences Divine and Collins, have been produced, to swear that Faithfull did strike the first blow with the Musquet,—a third evidence on the part of the plaintiff, has positively sworn, that blows were given by Faithfull before he struck with the Musquet;—here is evident contradiction—yet is one not less false than the other—for they all absolutely perjured themselves.—and had I not been included in the prosecution, I would have testified it on oath—we have however fortunately the evidence of three persons in contradiction.—I must observe that the evidence (Divine) admits he stood at seventy three yards distance from the parties, yet he pretends to repeat the Conversation that passed between them;—It cannot be necessary for me, particularly to observe, on the equivocal manner that this evidence adopted, as I have no doubt but it has left a proper impression on your minds.—The other persons who have been produced in evidence on the part of the Plaintiff, are of a description that would be inadmissible in any Court of Justice in

England and therefore I trust, and I expect that their tale will not be received with that degree of Credit—that measure of belief, with the evidence of a respectable Serjeant in the Army. I lay no stress on the evidence of the two Convicts Biggs and Wilson, in our favour because I have seen on this trial the danger of listening to a Convict.—I have heard every one of them on the Plaintiffs side, swearing to a certain and deliberate falsehood.

Serjeant Jamison has sworn that he clearly saw the Plaintiff Boston strike Faithfull first; he has declared that he heard him furiously swearing he would cut off the head of the person who shot his Pig—that he heard him call Faithfull a d—— rascal, his whole Corps rogues and thieves and his Officers no better.

Mr. Laycock who had been drawn to the place by the discharge of a Gun hearing those threats, all this abuse and seeing the Plaintiff strike Faithfull, was provoked, he admits to tell Faithfull, the Plaintiff deserved a threshing, and he was a fool not to give it to him.

Had you Gentlemen, witnessed the insolence of the Plaintiff, or had you heard the abuse which he uttered, situated as Mr. Laycock was, you would not have given him to complain of what he has now complained, but you would, I am satisfied, have broken his bones, and the provocation would have highly justified the Act.—I must beg to call your attention to the situation of Faithfull in this business—An order had been given by the Commander in Chief, that all Hogs, unyoked, and unringed, straying at large about the Town, were to be shot.—This order was considered as a Law, and no one who suffered by it, ever had the temerity to resist its operation;—It was particularly addressed to the Soldiers. No Soldier therefore could pass a Hog in such Circumstances, without either destroying it, or subjecting himself to the Charge of contempt and disobedience.

Faithfull then in shooting this Hog, was only doing his duty, and obeying the Orders, not only of his Commanding Officer, but of the Chief Magistrate, and his situation may with propriety, be likened to that of a Constable, or Peace Officer in England, would any Peace Officer who found himself interrupted in the Execution of a Magistrate's Order, or insulted for having executed them, hesitate to lay the offender at his feet, with his Staff, his Mace, or whatever other Weapon his Office required him to carry; no he certainly would not—and the law would not only justify him for the Deed but in addition punish the person who had so interrupted or insulted him—If the Soldier then, is not to find an equal degree of support and protection in executing the Orders that are given him in this Country, what a miserable situation are we reduced to.—we are worse circumstanced than the slave, the Convict, or the Rebel that we are sent to Guard, if we disobey our Orders we are subject to Military Punishment, if we obey them, and that obedience should give offence to any Vagabond adventurer, we are humbly to receive his abuse, or his blows, or if we resent, to submit to fine imprisonment or rebuke; this I solemnly trust is not our Lot, nor cannot be what we are doomed to suffer—and the decision of this Day I humbly hope, will remove from our minds the dread of it, and by the example which will be set, prevent us from a repetition of the insults we have borne.—

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It has been asserted that we designed to create an invidious distinction between the Soldiers and the Civil inhabitants.—If it is meant that we intended to preserve a distinction between the loyal and determined supporters of their King, their Country and its laws—and the base and abandoned miscreants, whose secret purpose, is the destruction of the one, and the overthrow of the others.—then do I not hesitate to acknowledge it.—for, much should I lament ever to see a nearer connection between the Soldiers, and men like the Plaintiff, than may be supposed to exist betwixt Virtue and Vice;—Truth and Falsehood, for as opposite I know them to be in their principles, and I trust they will be found so in their practice.

I have said nothing of myself or Addy, because there is nothing alleged against us, worthy remark, by either of the Evidences; It must therefore appear clearly to this Court that the Plaintiff could have no motive for including in this prosecution, either Addy or myself, but to deprive Mr. Laycock and Faithfull of the benefit of our testimony, which had I been at liberty to give, would have fully contradicted the evidence that has been produced in support of the prosecution.—Most cheerfully and most solemnly would I have called on almighty God to witness that I spoke the truth, in swearing that Boston struck the first blow, and that all the evidences who have sworn differently, have in my belief, perjured themselves.—This dishonest artifice more powerfully establishes the Guilt of the Plaintiff than any observation on his Conduct that I have the ability to make; for had he been an innocent unoffending man, why resort to so knavish a Practice to suppress my evidence; His Conduct in so doing I am satisfied cannot escape your observation, and I doubt not but the consideration of it will have its due weight with you, in your decision.—I have but little to reply to the Plaintiffs observations on the evidence, for it would be to insult my own understanding to imagine his remarks such as they are can effect any change in your opinion.—I cannot however forbear to say, that the respect which this man has expressed towards the Corps, is more insulting to it than any abuse he could utter.—for a man who has publicly drank to the Murder of his King, to the annihilation of the Constitution of his Country, cannot profess friendship to a Soldier without disgracing him.

NEIL MCKELLAR.

And in the name of the Defendants Laycock, Faithfull, and Addy.

The Plaintiff requested the indulgence of another day, to answer the Defendants.—the Court was cleared, and when the Plaintiff was again admitted he was informed that as every evidence had been gone thro' and remarked on by both Parties, and two replies being made by him, the Court could not foresee any advantage that might accrue in permitting him the indulgence of another Day, which they thought would instead of elucidating the subject only be made the Vehicle of trespassing on the time of the Court for the purpose of Acrimony and Retort.

The Court was again cleared to deliberate upon the Verdict.

They found a Verdict for the Plaintiff against the Defendants Thomas Laycock and William Faithfull, and adjudging them to pay each to the Plaintiff the Sum of Twenty Shillings. A Verdict was found for the Defendants Neil McKellar and William Eaddy.

The Court was opened and the Judgement pronounced by the Judge-Advocate in the following terms Vizt.:—

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The Court has taken a close investigation and accurate comparison of the evidence, adduced on both sides, Plaintiff and Defendants in this Action, and have found the weight to be in favor of the Plaintiff so far as his Action respects the Defendants Laycock and Faithfull.

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Nothing against the Defendants Mackellar and Eaddy has been proved to the Court.

In apportioning the Damages, we have taken into Consideration the situation of the Parties, and the Circumstances which attended the Assault.

The Plaintiff has acknowledged the existence of an Order to shoot all Hogs which should be found trespassing without Yokes or Rings—he must have known that so long as that Order remained unrepealed he was liable to the consequences of it.—he must also have known that his Hog could only have been shot in pursuance of that order, and therefore that whoever was the person, he had done nothing more than Act in Obedience to Authorised regulation of the Settlement, and ought to have bridled his Passion.

We know that the Military is a School of Honour, and that no term save that which brands him with the want of courage, can be more harsh in a Soldiers Ears than that of Rascal.—This however does not amount to a justification of the Assault, and it is the duty and province of Courts of Justice to protect from personal outrage all those who are in the Kings peace.

It does not appear that any one ordered the Soldier to make use of a loaded Musquet, as a weapon to beat the Plaintiff with—that act is therefore wholly his own—but to tell a man who has been brought up in Habits of Obedience to the Orders of an Officer, to beat another, while he had that Musquet in his hand, was unguarded and unadvised.

The Court have therefore found a Verdict for the Plaintiff against the Defendants Laycock and Faithfull, and have adjudged them to pay each to the Plaintiff the Sum of Twenty Shillings.

After which the Defendant Faithfull signified his Resolution of appealing to the Governor.

The Defendant William Faithfull in the Action of John Boston, under a Conviction that he has in no instance acted contrary to Law, feels it but Justice to himself to protest against that part of the Sentence which relates to him, and to signify to this Court his intention of making an appeal from it, to His Excellency the Governor.

his
WILLIAM X FAITHFULL.
mark

The Court then broke up.

On the 5th of Jany. the following Appeal from the Judgment of the Court was Interposed.

Sydney, New South Wales,

5th Jany., 1796.

THE Memorial of William Faithfull, Private, in His Majesty's New South Wales Corps of Foot, to His Excellency Governor Hunter Commander in Chief, etc. etc. etc.

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Your Memorialist humbly sheweth that in an Action commenced at the Suit of John Boston, a free Settler, a verdict has been given by the Civil Court of Judicature (composed of David Collins Esqr. George Johnston Esqr. and William Balmain Esqr.) against your Memorialist, and the Sum of Twenty Shillings awarded as Damages.

Your Memorialist under a Conviction that the Civil Court in pronouncing such a Sentence, has neither exercised true Discretion, sound prudence, or been guided by the established Customs of Law and Equity,—has availed himself of his right to protest against the decision made by that Court,—and humbly to appeal to your Excellency for the revision of the Sentence that has been uttered against him—and for that Justice—for which he has hitherto contended in vain.

Your Memorialist trusts, that an examination of the Trial will satisfy Your Excellency of the incompetency of the Evidence on the part of the prosecution.—that their contradiction of each other will fully establish their guilt,—and that a comparison of what they have sworn, with what has been produced in exculpation, will convince, that your Memorialist instead of being the aggressor, and deserving punishment.—was greatly ill treated, and meriting redress.

Your Excellency will instantly perceive, that the Prosecutor has included with your Memorialist, in his action Mr. Neil McKellar, and William Addy for no other purpose than to deprive him of the Advantage of their testimony,—which had they not been prevented from giving, would have incontrovertibly established that he was most grossly abused, and violently struck, before he lifted his hand against the Prosecutor.

Altho' your Memorialist entertains not a doubt, but that your Excellency will be satisfied of his innocence, and condemn the practice of the Prosecutor, in suppressing by such dishonest artifice the most respectable Evidence which he had to produce in his behalf—Yet will your Memorialist not confine himself to this alone, as the sole ground of his defence.—or as the only motive of his appeal from the Sentence of the Civil Court.

Your Memorialist humbly conceives, that in shooting the Pig of the Prosecutor he was acting in immediate obedience of the Orders of the Government,—that when executing this, or any other Order of the Commander in Chief, his situation is similar to that of a Peace Officer in England, when obeying the Orders of a Magistrate.—It has been admitted by the Prosecutor that he called your Memorialist a “d—— rascal” and uttered other violent words in great passion, merely because his Pig was destroyed.—and without other provocation.

Your Memorialist therefore humbly contends, that a Peace officer in England would without hesitation, if called a d—— Rascal for executing his Orders, have levelled the insulting Offender at his feet.—that the Peace Officer in so doing would not only, be justified in the Eye of the Law but would have it at his option still more severely to punish the Culprit both by fine and imprisonment.

Your Memorialist therefore most humbly trusts, that as his duty was literally the same as that of the Peace Officer, he will be considered as entitled to an equal degree of support and protection;

—that the Convict, or men of such turbulent and unquiet dispositions as the Prosecutor, will not be encouraged to repeat their Insults by a Confirmation of a Sentence, which certainly casts the Soldier out of the Protection of those very Laws he is ordered to execute, and of which, in this Country, he is in a great measure the Guardian.

With the most perfect confidence in the exemplary and known justice of your Excellency, I appeal for a reversion of the Sentence of the Civil Court of Judicature—whatever may be your decision, it will carry with it too much respectability to admit of a doubt of its propriety; and your Memorialist trusts if he shall be found to be ignorant of the Law—that he will at least prove, he knows the first duty of a Soldier, is silently and respectfully to obey.

his

WILLIAM X FAITHFULL.
mark.

By His Excellency John Hunter, Esqr. Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

To the Provost Marshal and his Deputy of the Territory of New South Wales.

It being provided in the Letters Patent for establishing the Court of Civil Judicature in the Territory of New South Wales, that if either party shall find him or themselves aggrieved by any Judgment or decree to be given or pronounced by the said Court, he or they may appeal to the Governor of the Eastern Coast of New South Wales.

And whereas in the Suit pending before the Civil Court of Judicature, held at Sydney, upon the 3d, 7th, 8th, 11th, 15th, 29th, and 30th days of december last, between the parties John Boston, Plaintiff, and Thomas Laycock; Neil McKellar—William Faithfull and William Addy Defendants, an Appeal upon the part of the said William Faithfull from the Judgment of the said Court pronounced upon the said 30th day of December last, has been laid before me—This is to command you to summons the said John Boston, to appear on Monday next the 11th of this Instant Month of January at the hour of Eleven O'Clock in the forenoon, before me to hear the said suit determined—and in the mean time to lodge answers in writing to the reasons of Appeal between this and that date; This you are to do by serving without delay a true copy of the said appeal, an Execution of which you are to return.

Herein fail you not at your Peril.

Given under my Hand, and Seal, at Sydney in the County aforesaid, this Seventh Day of January in the year of our Lord, One thousand seven hundred and ninety six.

JNO. HUNTER.

I Henry Brewer Provost Marshal of the Territory of New South Wales served upon John Boston free Settler in Sydney Plaintiff a true copy of the reasons of appeal of William Faithfull Defendant from a Sentence of the Civil Court of Judicature between the hours of Ten and Eleven of the Clock this 5th day of January 1796, in obedience of the above summons.

HENRY BREWER.

Witness JAMES ELLIS, JAMES KENNEDY.

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By His Excellency John Hunter Esqr. Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

To the Provost Marshal and his Deputy of the Territory of New South Wales.

Whereas in the suit pending before the Court of Civil Judicature held at Sydney on the 3d, 7th, 8th, 11th, 15th, 29th and 30th days of December between the parties John Boston Plaintiff, and Thomas Laycock, Neil McKellar, William Faithfull and William Addy Defendants, an appeal upon the part of the said William Faithfull one of the Defendants aforesaid, from the Judgment of the said Court pronounced upon the said 30th Day of December last, has been laid before me; this is to command you to summon the said William Faithfull to appear on Monday next the 11th of this Instant Month of January at the Hour of Eleven O'Clock in the forenoon before me to hear the said suit determined.

Herein fail you not at your peril.

Given under my Hand and Seal at Sydney in the Country aforesaid, this Seventh Day of January, in the year of Our Lord One thousand seven hundred and ninety six.

JNO. HUNTER.

Sydney, 11th January, 1796.

PROCEEDINGS had before the Superior Court of Civil Jurisdiction in the appeal of William Faithfull against the Verdict of the Inferior Court in the Cause wherein John Boston was Plaintiff. Thomas Laycock and others defendants.

Present:—His Excellency John Hunter Esqr. Captain General and Governor in Chief.

The Appellant and Respondent being present in Court the Appeal was read.

The Governor then addressed the Appellant.

This Memorial is an appeal from the Verdict found by the Court before which tried the cause between Mr. John Boston Plaintiff and Mr. Thomas Laycock, Mr. Neil McKellar, William Faithfull, and William Eaddy all of the New South Wales corps defendants.

The language* of this part of the Memorial is in my Judgment extremely indecent and not consistent with that respect which is due to a Court of Law and Justice;—Its Members are here directly accused of not having been governed in their proceedings by true discretion, sound prudence, or been guided by the established customs of Law and Equity; these accusations I conceive to be of a serious nature and a direct contempt to that Court, which I think would scarcely have been allowed to pass unnoticed in any Court of law in Great Britain; the Members of that Court are not however disposed to pay any attention to this mark of Contempt from the person whose Memorial it is, I have therefore Judged it necessary to remark it, it would in my opinion have answered every end the Memorialist could have had in view to have declared that his mind was not satisfied with the Verdict found by that Court, assigning in the language of moderation, his reasons for claiming his right of appealing from the Sentence to a higher Court.

* *Marginal Note.*—Alluding to a particular part of the Memorial which was ordered to be read again.

I am next led to take some notice of what the appellant observes respecting the situation of a Soldier here—He says that a confirmation of the Verdict found by the Court before which this cause has been tried, does certainly cast the Soldier out of the Protection of those very laws he is ordered to execute, and of which in this Country, he is in a great measure the guardian. By this declaration of the appellant it appears that he has intirely misunderstood the case in which he is so materially concerned, he seems to believe that the damages awarded to the Plaintiff was meant by the Court as an indemnification for the loss of his Sow; It is a pity that he should not have been in this particular set right by some of his friends who knew better; In shooting the Sow circumstanced as she has been described to have been without Ring or Yoke he considered himself as executing an Order at that time existing in the Settlement, and has not therefore been cast in damages for doing what he conceived to be his duty—The prosecution is founded upon a supposed assault, and not for the loss of the Sow, how far that assault has been proved I have yet to give my opinion. In the mean time I have to observe upon the Soldier feeling himself cast from under the protection of the law by a Confirmation of the Verdict already given, that this opinion of the appellant is founded in total ignorance of the British Constitution and Laws, because the Soldier ought to know, that he is as much and as safely under the protection of the laws by which we are Governed in this Country as any man or description of Men within its limits, and altho', the Soldiers as well as the Seamen in His Majesty's Service are subject in their respective Characters as Soldiers and Seamen to Martial law, they are nevertheless amenable to the Civil Power in all matters Cognizable by that power—no man within this Colony can be out of the power or lose the protection of the Laws under which we live, from the meanest of His Majesty's subjects up to the Commander in Chief or first Magistrate, we are all equally amenable to, and protected by the laws.

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I hope and trust most confidently that the Civil Power will be found at all times in this as in our Mother Country to have the Energy sufficient for the protection of the Person and property of all who reside within this part of His Majesty's dominions.

Ever since I could read or could think I have admired the wisdom with which British laws have been framed; Under those laws we live, and I trust they will be ever found equal to the purpose of the most perfect Justice.

The Appellant refers in his Memorial to the situation of a Peace Officer upon duty, and says with some appearance of Confidence, that he conceives his situation at the time he alludes to was a Similar one; this opinion of the Appellant can scarcely require any observation from me, it is so extremely absurd to suppose that a Man with Fire Arms in his hand can possibly be considered under a British Government as a Peace Officer—The Peace Officer is generally known when on duty by his Staff or other badge of his Office, and if arms are considered necessary for preserving the Peace, he then applies for the aid of the Military who are upon such occasions to be directed by him.

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I have said so much on the language and opinions held forth in this Memorial; merely to undeceive the Appellant in some of his Ideas of right and Wrong.

JNO. HUNTER.

I am now to hear the respondent's answers.

On His Excellency's concluding, the following answers to the Appeal of William Faithfull were interposed by the Respondent.

When the Respondent instituted this Action, his object was to vindicate the Public Justice of the Colony, to impress the Conviction that the Laws were equal to all, and that no rank in life could by impunity justify their violation.

This object in the Sentence is now under the review of your Excellency was fully accomplished:—its consequences became important as they presented to the most humble, and the most friendless, the Idea of a well guarded security.

The decision of the Court of Civil Judicature according, the respondent presumes to say, with the feelings of good men impartial in its principle, and dignified in its expression, has been stigmatised by the appellant as neither exercising true discretion, sound prudence, or being guided by the established custom of law or equity; the respondent disclaims the arrogance of assuming the character of the Advocate of the Court; that Court stands too high either to be affected by the Appellant's invective, or to require the aid of the respondent's defence:—In these answers the respondent will confine himself to very few observations;—In the course of the proceedings the Appellant has drawn a line of distinction between the witnesses adduced on either side, to his own he confines all the respectability and all the credibility, and in language surely not dictated by the sentiment of humanity, has insulted misfortune; because the major number of the respondents witnesses may be convicts, they are not to be heard, and if heard, not to be believed.

Will the appellant reflect for a moment upon the situation in which he stands upon those, with whom he is surrounded, with whom he must have continual intercourse, and without whose concurrence the detail of life could not be transacted.

If the testimony of convicts is to be rejected, the Civil and Criminal administration of the Colony must be suspended, necessity imposes their claim to admissibility, the circumstances which are to determine the credibility not of them alone, but of witnesses of every description, reside in the bosom of the Judge—necessity in the present instance acts in no respect in opposition to the common law of the land.

It is not the punishment but the crime, not the effect but the cause, which incapacitates a man from delivering his testimony in a Court of Justice—the respondent asserting the competency of his Witnesses to be heard, is entitled to demand to their evidence the most entire credit; their language is simple and uniform, consistent in all its parts, and mutually supporting and supported; their collective voice proves with irrestable force, two material articles—first that the verbal injury, the opprobrious expressions proceeded not from the respondent, Divine, Collins, Clerk, Carmap, and Turner, prove that the term rascal was merely used in a hypothetical sence, without any individual application:—who was the rascal that shot my sow, and I call him a rascal who

shot it, are the only words proved to have been uttered in the hearing of Faithful, previously to the blow with the Musquet.

If words of Passion are then to justify retaliation by a blow the plea even in this point of view cannot avail the appellant;—But the respondent contends in the second place that his proof is equal by convincing to substantiate what is more material, the first blow being struck by the appellant.

It is an established rule, for the existence of society prescribes it in the law of every civilized country, that no verbal injury can justify a real assault, and should a Peace Officer in return for approbrious language commit a real assault, he would be more culpable than any other person in breaking the Peace, which it is his duty to protect and keep, if it were otherways the consequences would be most horrible;—no Standard can estimate the feelings of men smarting under contumelious reproaches.

Every man would claim to himself the application of that standard, and society would be stained with daily bloodshed. But the case of the Appellant is peculiarly unfavourable, when a blow has been struck, the law upon account of the provocation may excuse the return, but at the same time the law jealously appreciates the proportion and the instrument:—if the respondent had struck the Appellant with a Piece of Sugar Cane, he never could have been defended, for using in return an Instrument so far beyond, every Idea of comparison, as a loaded Musquet.—If death had been the consequence, and what was more probable, the appellant must have answered to the charge of Murder.

A new and curious doctrine has been broached by the Appellant that in this Colony he stands precisely in the situation of a Peace Officer in England, his Musquet his staff of Office and his privilege, to level the insulting Offender who may have called him a Rascal, at his feet.

The appellant a Peace Officer; who invested him with this Character, by what act has he been recognized by the Civil Authority.

The Appellant is a Soldier as such he is under the express controul of the Civil Power, and he must be taught that an interference in the Civil administration without the express and special command of the Civil Magistrate, is a breach of what are deemed the most constitutional laws of Britain, must involve him in crimes of no inferior guilt, and must subject him to superior punishment.

He has presumed to tell your Excellency that he acted by the command of a Superior Officer, and in a strain of triumph, he concludes his appeal by proclaiming that he will at least prove he knows the Duty of a Soldier is silently and respectfully to obey.

Never were the walls of a Court of Justice, polluted with a position so horrible:—in charity it is believed the Appellant has not weighed the full import of his Principle.—no authority, Civil or Military, can justify a crime. Aware of this, that very Officer who commanded the Assault has at least, in a mode becoming and respectful, acquiesced in the censure of the Court, limited as the scope of the respondents reading, may be he yet can remember, the Officer who commanded the Guard upon Charles the 1st, pleading the order of the then acknowledged Civil Authority of the Country, and that plea, upon the principle now laid down, over ruled.

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The Appellant has recourse to another ground, for dissenting from the judgment of the Court.

He pleads that public Order issued by Major Grose, that Order is in the following words.

“Head Quarters July 17th 1793.

“All hogs seen in the Streets, that are not yoked, and have not rings in their noses, are ordered to be shot.”

Feeling too high a respect for your Excellency's Character and disdaining as much as any man possibly can do, the appearance of a quibble, the respondent must be pardoned for making upon this Order one observation, which appears to claim some degree of force;—This Order is then merely an Act of Police;—it extends to a nuisance upon the public Streets, but not for what removed from them, may yet implicate considerable individual damage.

In this latter case the person aggrieved is left to his own remedy; the common operation of the law takes place, and the public force is not armed to revenge his wrong.

In the former case the public is alone aggrieved, every member of the Community, Convict, Soldier, and Settler is invested with the power of destroying the common nuisance;—it is presumed that for this reason, such a violent mode was adopted as that of shooting these animals; from their running about, no individual could specify particular damage, but it is otherwise when they enter into a Close, and destroy his property, the damage can then be accurately enough ascertained, and the detention of the animal, is the best security for its reparation;—the Order then of Lieutenant Governor Grose cannot justify the Defendant in shooting that Sow; and in all probability may not exempt him from restoring its full value in some future prosecution.

The respondent must further observe, that every order of a penal nature, whether it effects a man's person or his property must be strictly and severely interpreted;—the common principal of law never permits a constructive extention.

The respondents Sow under the Order could have been shot upon the Streets but no where else; and it is confessed the animal was not upon the Streets when it was killed; indeed if the strictest interpretation was not to be adopted, most mischievous consequences might follow; a thousand artifices for many purposes might be employed to decoy these animals in such a situation, and the prospect of impunity would be rendered more certain.

The respondent will conclude by making a few observations upon the exculpatory proof, offered for the Appellant, of that proof there was little need for speaking in terms so pompous.

Perjury is a charge serious and heavy, and however strong his suspicions might be, unless they amounted to indisputable, certainly, no motive could induce the respondent to exhibit it against any witness—He hopes the candour of your Excellency will find him free from blame, when he asserts the exculpatory proof, for the appellant, labours under difficulties which no mean ingenuity can remove.

The testimony of Jamieson is in direct opposition to the full and unequivocal evidence of five witnesses and receives little support or respectability from the deposition of Biggs or Wilson:—is Jamieson to be credited, when he swears in opposition to Divine,

Collins, Clerk, Turner and Carman that the respondent gave the first blow with a Sugar Cane; Collins the person from whom the respondent received the Sugar Cane, swears pointedly and positively, that it was returned back to him, before the Appellant struck the blow with the Musquet, wonderful that Serjeant Jamieson so late in coming and at such a distance from the field of action could perceive what none else could discover, who were present at the affray, from the commencement, and in immediate contact with the parties; the same person swears to language which the respondent declares he never uttered, and which those who were the spectators of the whole action never heard.

But Mr. Biggs is called upon, to support the Testimony of the Serjeant, Mr. Biggs who contrary to the Order of the Court planted himself in secret anxiously to hear the Deposition of Serjeant Jamieson, for purposes to himself best known, faithfully to commit it to his Memory; yet even that memory recently assisted as it was, seemed upon the cross examination to play a treacherous part, and to have seduced him into danger;—the manner in which Biggs answered the question, who struck the first blow, will be long remembered by the Court, and by the spectators; It was Faithfull he answered—he paused and his precipitancy struck upon his mind, and with wonderful address he extricated himself from the contradiction. It was Faithful after he had been struck with the Sugar Cane.—Wilson leads up the rear of the supporters of Jamieson's veracity, Wilson whose perjury, nor does the respondent shrink from the term, stands demonstrated by physical evidence, who swears that he was a spectator of the affray in a situation which precluded the remotest possibility.

Is your Excellency then to reverse the Sentence of the Court, pronounced upon ample deliberations, and founded upon the depositions of five unexceptionable, and unequivocating evidences.

Are Messrs. Jamieson, Biggs, and Wilson, to stigmatize five men against whom the appearance of contradiction, cannot be insinuated, with a violation of their Oath.

The Appellant complains that the respondent by including Messrs. Mackellar and Addy, as parties have deprived him of their Testimony as Witnesses.

The respondent solemnly affirms, that if he knows himself, he is utterly incapable of an artifice, so mean and so dishonorable;—he considers Messrs. Mackellar and Addy to have been parties to the assault, and as such accused them;—The Court has dismissed them from the accusation, and he acquiesces in that Sentence, with respectful Silence.

The respondent regrets, and will ever regret the cause which occasioned so much trouble to the Magistrates of this Colony.

The imperious call of duty to himself and his family, and the community, oblige him to prefer his complaint, silence would have provoked a repetition of the injury. Its consequences might not have been confined to himself alone, but by encouraging licentiousness upon the one hand, and removing the hopes of redress, upon the other, impressed the idea of general insecurity, extinguished public spirit, and impede the progress of public industry.

1796.
26 Aug.

The civil suit :
Boston v.
Laycock,
McKellar,
and ors.

1796.
26 Aug.

The civil suit :
Boston v.
Laycock,
McKellar,
and ors.

Whatever the final result of this suit may be, one great and salutary lesson has been inculcated; that no rank can afford a protection for crimes, and that none are so humble as to claim in vain the justice of the laws.

He has anxiously avoided as much as he possibly could any notice of the proceedings of the Appellant and has associates before the original Court.

In the proper place they will claim a serious attention, as he solemnly pledges himself to institute and prosecute with perseverance, which can only be allayed by a final termination, a criminal charge, founded upon the weak and wicked, but atrocious calumnies which they contain.

The respondent concludes, by deploring the extensive litigation from a cause so trifling, in which he is now involved, contention can afford him no pleasure.

He trusts that he is known, to those whose opinion he venerates, and he perhaps flatters himself with no deceitful idea, that they are convinced the circumstances of the present moment embitter those Days which should have been devoted to other objects and to other pursuits.

JOHN BOSTON.

THE GOVERNOR then delivered his Opinion in the following words:—

It is quite unnecessary for me to make any observation on the arguments urged in this reply, my Judgment in the Cause being all that is now wanting.

After a careful and most serious investigation of the minutes of the Court of Civil Judicature, before whom the Cause between Mr. John Boston, plaintiff, and Mr. Thomas Laycock, Mr. Neil McKellar, William Faithfull, and William Eaddy, all of the New South Wales Corps, defendants, has been tried, and the decision of the Court in that cause, from which decision William Faithfull, one of the defendants, has claimed his right of appeal to a higher Court. I am come here to give my final opinion upon that cause—a cause which I conceive to be of considerable importance to an Infant Colony.

I have already said, in my observations upon the language and opinions held forth in the Appeal, all that I conceived necessary to impress upon the minds of those who may have been present a due respect for those laws by which everyone in this Colony is protected in his person and property, and to satisfy all who, altho' residing here at present, may hereafter live in some other part of His Majesty's dominions, that, however distant from the Mother Country, they are nevertheless under the protection of the British laws, and that they are, whatever may be their rank or profession, amenable to them.

I have not lightly passed over or carelessly perused the minutes of the Court in this cause, but I have considered in the most serious manner the very solemn Oath which I took before I entered upon the duties of my Office in this Country that I would see, to the best of my Judgment, the most perfect Justice adminis-

tered to all His Majesty's Subjects, residing within this Territory—by that Oath I am now to be governed, and by the different Evidence I am to be led to the truth; were my knowledge of law equal to my desire of Justice, and my powers of Eloquence equal to my love of truth, and I were at this moment so situated as to have occasion to give my Opinion to a Jury who were to decide in this cause, I should have much to say, much to remark, on some part of the Evidence given upon this occasion.

But, as I stand here, forming a complete Court in my own person—a situation which, I confess, I do not envy, but from which as a part of my duty I will never shrink, taking Justice for my object and conscience for my guide—I have only, therefore, to satisfy my own mind how far the Verdict appeal'd from has been a just one—it will on that account be wholly unnecessary in me to make any remarks upon the Evidence, but to come at once to the point of decision, which I do by declaring that, in my Judgment, the assault complained of has been fully proved, and that I do not only confirm the Verdict already found by the Court in which this cause was tried, but I must add that I have thought it a lenient one.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 17, per store-ship *Britannia*; acknowledged by the Duke of Portland, 31st August, 1797.)

My Lord,

Sydney, N. S. Wales, 27th Aug., 1796.

27 Aug.

The many distressed objects we have in this country who have from time to time been invalided from the military service require that I should use some means for having them returned to their native country, where it is not improbable that some few may recover so far as to be again, at some future period, capable of entering into its service.

Invalided soldiers.

Several officers also, whose ill-health renders their continuance longer here a certain bar to any hope of recovery, and the continual expence as well as burthen to this colony occasioned by persons sent here upon salaries who have not yet been of any use, and who having served the time contracted or agreed for by Government are by that contract to be sent home at the expence of the Crown, and the probability of a continuance of this useless expence, unless some means are attempted for taking it off, are altogether considerations which have operated strongly with me in making the contract, which I have now to lay before your Grace.

Officers invalided

The *Britannia*, storeship, which had lately arrived from Bengal, and had been discharged from his Majesty's service in order to proceed again to the East Indies, where a cargo for

The store-ship *Britannia* chartered.

1796.

26 Aug.

The civil suit:
Boston v.
Laycock,
McKellar,
and ors.

1796.
27 Aug.

The store-ship
Britannia
chartered.

England had been promised, but no written agreement having been entered into for that purpose, I have availed myself of the offer of that ship to sail directly for England in his Majesty's service. A copy of the charter is enclosed for your Grace's inspection, and I am hopeful, my Lord, that the motives which have induced me to take this step, and the saving to be made by the early returning of useless people to England is considered, I shall not be censured for the means I have used to exonerate the colony of the burthen.

Officers
returning to
England.

If I had sent the sick to the Cape in one of the King's ships, they might there have languished in great distress for some time before any opportunity might have offered for their conveyance to their native country.

The different officers whose names I have mentioned in my letter No. 16 will return to England in the Britannia, except Mr. Palmer, the Commissary, whose assistance will be so very necessary in making the purchases at the Cape, whence he will take his passage in one of his Majesty's ships. I send them thither this season in consequence of the information I received by the ship Marquis Cornwallis that that port was in the possession of his Majesty's forces, and in obedience to that part of my instructions from his Majesty which relates to the stocking this colony with live cattle.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

CHARTER PARTY OF BRITANNIA.

Charter of the
Britannia.

It is Covenanted concluded and agreed upon this first day of August, in the Year of Our Lord One Thousand seven Hundred and ninety Six and in the 36th Year of the Reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain, France and Ireland, King defender of the Faith and so forth. By and between Mr. William Raven, now Master and part owner of the good Ship or Vessel called the Britannia of London of the Burthen of 296 Tons or thereabout according to the Register'd Measurement, and now riding in Sydney Cove, Port Jackson, for and on behalf of himself, and all and every the part owners of the said Ship or Vessel of the one part and His Excellency John Hunter Esq. Governor in Chief of His Majesty's Territory of New South Wales and its dependencies for and on behalf of His Majesty of the other part in manner and form following.

That is to say the said William Raven, for and on behalf of himself and all and every the part owners of the said Ship or Vessel hath granted, and to hire and freight letten, and by these presents doth grant and to hire and Freight let the said Ship or Vessel, unto the said John Hunter Esqr. and doth agree and engage, to proceed therewith to England, and to receive on board all such Passengers and Invalids, as shall be put on board him by Order of the said John Hunter Esqr. or by order of any person authorized thereto and who may require him to receive such Invalids and Passengers on board in His Majesty's name.

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Charter of the
Britannia.

The said William Raven doth further agree, that the said Ship shall be strong, Tight, Stanch and Substantial, both above water and beneath and Completely fitted with every thing requisite and Necessary for a Voyage to England, and manned in the proportion of Six Men and a Boy to every One Hundred Tons, fit and Capable to manage and sail her. The said William Raven doth further agree, that the said Ship or Vessel, shall Wind and Weather permitting put to Sea on her said Voyage to England on or about the first day of September next ensuing, and that no unnecessary delay shall be made in the Voyage of the said Ship, touching only at Norfolk Island and such other port or Ports as shall be necessary for procuring Water or other Refreshments. if she should stand in need thereof.

The said William Raven doth further Contract agree and engage, that the whole of the Tonage of the said Ship, shall be for the Passengers and Invalids, save and except such part as may be Necessary for lodging himself, the Mates, Provisions for the Ships Company and the Stores for the Ships use. The said William Raven doth further agree, that he will not take from this Colony, any Person or Persons, other than he shall be directed to receive on board.

In consideration whereof, the said John Hunter Esq. doth Contract, agree, and engage for and on behalf of His Majesty that the sum of Fifteen Shillings per Ton each Kalender Month shall be allowed and paid for the Hire and Freight of the said Ship or Vessel for so long time as she shall be continued in His Majesty's Service, which Freight or pay shall commence from the First of August, and the same shall cease and determine at the time of her discharge at Deptford. It is further agreed by the said John Hunter Esqr. that should the said Ship be ordered in His Majesty's Name by the Commanding Officer of any Port she may touch at in her passage, to proceed on any service whereon

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Charter of the
Britannia.

she may be taken or destroyed by the Enemy the Risk of the said Ship, now estimated of the Value of 2500£ Sterling, shall be on Account of the Crown.

To the true performance of all and Singular the Contracts, Conditions and agreements abovementioned, on the part and behalf of the said William Raven and all and every the part Owners of the said Ship or Vessel, with her Tackle Apparel, Freight and Furniture unto the said John Hunter Esqr. for and on behalf of His Majesty in the Penalty or Sum of One Thousand Pounds of lawful money of Great Britain, to be recovered and paid by these Presents.

In Witness whereof he the said William Raven, hath set His hand and Seal to the one part, and to the other part hereof. The said John Hunter Esqr. for and on behalf of His Majesty, hath set his Hand and Seal, the day and Year first above written.

JOHN HUNTER.

WILLM. RAVEN.

Signed Sealed and delivered (where no stamps are used or can be had) in the presence of

DAVID COLLINS.

JOHN PALMER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 18 per store-ship Britannia; acknowledged by the Duke of Portland, 31st August, 1797.)

Sydney, New South Wales,
27th August, 1796.

My Lord,

Professing to lay before your Grace by this conveyance as compleat an account of this colony as it may be in my power to make out, it becomes necessary that I should say something further on the subject of your Grace's letter of the 10th of June, 1795 (No. 1), in which your disapprobation of the measure pursued by Lieut.-Governor Grose relative to the number of men allowed to officers was particularly marked. In my letter No. 1 I had, previously to the receipt of your Grace's letter above alluded to, mentioned that I approved of the Lieut.-Governor's regulation in this instance, and had continued it, and in my letter No. 9, in reply to that particular part of your Grace's I mentioned the consequences which must ensue to the colony if I withdrew that assistance from those farms; but being extremely anxious to fulfill the instructions contained in the above letter, as far as it could be done consistently with the immediate interest and prosperity of the settlement, I had signified to the officers generally my concern at the necessity I found of depriving them

Convict
labourers for
officers.

of those labourers who had been for some time allowed them. In consequence of this information I received the inclosed letter, No. 1, from the officers of the civil department, and also a similar one from the military. These representations, and the reasons I have urged in my former letter for wishing to continue this assistance as far as it could be done, induced me to offer to those gentlemen the inclosed plan, No. 2, which I submit to your Grace's consideration. At present I have only to say that such regulation has taken place, and will continue only until the improvement of the different farms may enable the possessors to take off the hands of the public the labourers they have been indulged with, or until I receive your Grace's further commands on this subject.

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labourers for
officers.

I shall be happy to understand that what I have done in this matter has not been disapproved by your Grace.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

THE CIVIL OFFICERS TO GOVERNOR HUNTER.

Sir, Sydney, 25th February, 1796.

As it is well-known that we whose names are hereunto subscribed have been at much private expence in clearing and cultivating the allotments of ground which have been granted to us, and that we have on all occasions used our utmost exertions to raise grain for the purpose of promoting the interest of the settlement, by endeavouring to render the importation of that article from any other quarter unnecessary:

This, however, we should not have been able to accomplish but for the very liberal allowance of men, which have been victualled from the public store, and suffered to remain in our employ.

We take this opportunity of assuring your Excellency that no exertions of ours shall ever be wanting to strengthen the hands of Government, and to promote the interest of the settlement by such means as shall be in our power.

It has been reported that our having been allowed the number of men we are at present indulged with has not met the approbation of his Majesty's ministers, and that in future two servants as domestics can only be continued to us, unless we chose to maintain and cloath more.

We are all of us much inclined and perfectly ready to do everything in our power to lessen the public expence, and we submit to you the two following proposals for that purpose, which we hope will meet with your Excellency's approbation:—1st. On account of the great scarcity of cattle useful in agriculture, it is

1796.
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Convict
labourers for
officers.

by manual labour only we can possibly continue in cultivation the lands we have already cleared, and if that assistance which we have hitherto been indulged with be totally withdrawn we shall be under the unavoidable necessity of letting our lands lie fallow, which must be obvious to your Excellency will greatly injure the prosperity of these settlements. We therefore agree to take a certain number of men, according to the present state of the cultivation of our respective farms, to be victualled and cloathed at our expence. 2nd. As the late reduced ration of the colony compelled us to kill the greatest part of our live stock, several of us cannot as yet support these men with animal food, nor find them cloathing. Should it meet your Excellency's approbation to allow us to draw animal food and cloathing for them, we pledge ourselves to turn into his Majesty's stores an equivalent proportion of grain.

At a future period, when our stock is increased, and our farms are in a more advanced state of cultivation, it is our intention to lessen the public expence by maintaining an additional number of men.

We leave it entirely to your Excellency's consideration what farther assistance you may think proper to indulge us with from the statement of the above circumstances.

Professing the greatest respect and attachment for your Excellency, and warmest zeal for the benefit of his Majesty's service, in which we are all mutually engaged, we beg leave to subscribe ourselves, &c. (Signed by the officers of the Civil Department.)

[Enclosure No. 2.]

PLAN FOR REDUCING THE NUMBER OF LABOURERS ALLOWED TO
OFFICERS AND MAINTAINED AT THE PUBLIC EXPENCE.

1st. Each officer hitherto allowed thirteen men, viz., three for domestic purposes and ten for clearing and cultivating land, to be reduced two men, and to take two off the public store; but if his farm is extensive, and in good cultivation, he is either to maintain three or be reduced three, instead of two.

2nd. Those whose farms are not in such improved state as will admit of their maintaining any are to be reduced in their numbers four.

J.H.

GOVERNOR HUNTER TO SECRETARY NEPEAN.*

(Per store-ship *Britannia*.)

Sir, Reliance, Sydney Cove, N. S. Wales, 31st Aug., 1796.

The ship *Marquis Cornwallis*, in her way from Ireland to this settlement, having touched at the Cape of Good Hope, I received by letters from Major-General Craig and Commodore

31 Aug.

British
conquest of
Cape Colony.

* Note 314.

Blankett the pleasing intelligence that that place had surrendered to his Majesty's arms, a circumstance which is of particular consequence to this distant part of his Majesty's dominions. In consequence of that information, I avail myself of the approaching season to send the King's ships, the *Reliance* and *Supply*, to the Cape, in order to execute that part of my instructions from his Majesty which relates to the stocking this colony with live cattle. Of this circumstance I am to request you will be pleased to inform their Lordships. The state and condition of the two ships will be transmitted from the Cape by their respective commanders. I am extremely concerned to say that the condition of neither is so good as I hoped to have found it. We have given both of them very considerable repairs since they have been here, but the defect of the *Supply*, whose commander will not complain whilst he can make her swim, is of such a nature as we cannot repair. Her beams, knees, and timbers are exceedingly rotten and decayed. I have inspected them myself, and speak from real observation. She is an American-built ship, and, I believe, wholly of black birch, which is a timber not sufficiently durable for such a distant service as this, as it is known to complain so very suddenly in warm climates. The *Reliance* wanted strength, which we have endeavoured to give her as well as in our power, but she is so extremely weak in her whole frame that it is, in our situation, a difficult matter to do what may be necessary. I am the more concerned at the defects of the *Supply* because she is a ship so much better calculated for the service of this colony than the *Reliance*.

1796.
31 Aug.

Condition of
H.M. ships
Reliance and
Supply.

I have, &c.,

JNO. HUNTER

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch marked "Separate," per transport *Ganges* to the Cape of Good Hope. thence per H.M.S. *Supply*; acknowledged by Governor Hunter, 25th June, 1797.)

Sir, Whitehall, 31st August, 1796.

Finance.

Since writing my letter to you of the 11th instant there has been transmitted to me by the Lords Commissioners of the Treasury, Major Paterson's letter of the 16th September, 1795, enclosing bills drawn on their Lordships for £21,499 9s. 5d.

I have already observed on some of the services for which these bills were incurred in my letter of the 8th June last; but I cannot suffer the *Ganges* to depart without expressing my great disapprobation at the want of economy in the expenditure of public money which appears in several particulars of this account. First, the unnecessary quantity of grain of different sorts, brought in the *Endeavour*, when the main object was to procure

Administration
censured.

1796.
31 Aug.

breeding-cattle to stock the settlement; and secondly, the extravagant prices paid to individuals for grain and swine's flesh, when it clearly appears to me from the accounts I have received from Norfolk Island that the same, or a much greater quantity, might have been procured from individuals there at less than one-half the price, and with respect to grain, at a less rate than the grain brought in the Endeavour in the proportion of one-third, exclusive of what grain might be spared from that raised by convicts in Norfolk Island.

I trust that it is unnecessary for me to say anything further to enforce your immediate attention to the reduction of the unwarrantable expenses which have been hitherto incurred in the settlement.

I am, &c.,

PORTLAND.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Britannia*; acknowledged by the Duke of Portland, 30th August, 1797.)

1 Sept.

My Lord, Sydney, New South Wales, 1st Sept., 1796.

The
commissariat
administration.

The inclosed letter I received very lately from Mr. Palmer, the Commissary of this settlement, and I must acknowledge that I have long seen the difficulty attending that mode of keeping his accounts of which he complains; but when those instructions were received no difficulty did then exist, because the numbers were few. If the colony should at any future period consist of ten thousand people, that number will be nearly equal to the complement of twelve first-rate ships of war, to each of which there would be a purser, and sufficient business for him; if, therefore, it is expected that the Commissary of the colony is to continue to keep his accounts in the same way that a purser in the Navy does, which will make them very voluminous, it will be necessary that he should have much assistance, as, in addition to the victualling and cloathing accounts, he must also attend to the receipts and expenditure of every other species of stores. I beg, my Lord, to submit Mr. Palmer's letter to your Grace's perusal, and if further information on the subject of it shall be thought necessary, he will be on the spot to explain.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

COMMISSARY PALMER TO GOVERNOR HUNTER.

Sir, Sydney, New South Wales, 29th August, 1796.

I beg leave to represent to your Excellency the orders which I received from Lieutenant-Governor Grose relative to the

manner of my keeping the public accounts of this colony, as Commissary of Stores and Provisions, and to point out to you the extent of those orders.

1796.
1 Sept.

The
commissariat
administration.

The manner in which I was then ordered to keep the accounts is like unto that of a purser of a man-of-war, the executing of which, for the comparatively small number of a ship's company, might be easily accomplished, but when the numbers to be accounted for are from three to four thousand persons, the books then required to be kept become very extensive, particularly those of the slop and victualling accounts.

I must further acquaint your Excellency that my duty as Commissary is something more than that of a purser, from being obliged to keep a particular account of all kinds of stores received and expended in the colony, and to transmit accounts of all ordnance, naval, victualling, and hospital stores, that may be received and issued to the different Boards; all which must necessarily occasion a vast deal of time and require a great allowance of stationery.

It is necessary likewise to mention that should a greater number of persons be sent to this colony it will be almost impossible to keep the accounts in the manner I am directed, unless Government are pleased to appoint a sufficient number of persons qualified to assist in the Commissary's department, which assistance I have no doubt but your Excellency will see the necessity of, from our settlements being so divided, and the impossibility from the distance they are from head-quarters of their being directly under the eye of the Commissary.

I must further add, from the encrease of the numbers since my appointment in the colony, which has brought on a very heavy business in the department, and from Governor Phillip having been pleased to assure me, on giving me that appointment, that my salary was small, but that I was not to consider it as an object, for after having served two or three years I should then have a claim on Government for something better. I must beg leave to mention to your Excellency that I have been upwards of six years the Commissary, and have served in his Majesty's navy twenty-two years prior to my appointment here, and that I have no one emolument except that of my salary of ten shillings per diem, which in this country will go but a very little way in supporting me and my family. Situated as I am, I believe I may venture to say that no Commissary under the Crown, even where there is not anything like the duty to do, but has a greater salary, or some emoluments which makes the appointment better.

By representing the above I do not wish to be understood as dissatisfied with my situation; having been brought up under

1796.
1 Sept.
The
commissariat
administration.

Government from a very early period, I ever wish to remain in his Majesty's service, and will content myself with whatever salary my situation may be thought to merit.

I have now only to beg your Excellency will be pleased to represent to the Right Hon'ble the Lords Commissioners of his Majesty's Treasury my services as Commissary of Stores and Provisions in this colony in the light you may see them in, which I hope will induce their Lordships to consider my services, and grant me such addition to my salary as they may be pleased to deem proper.

I have, &c.,

JNO. PALMER, Commissary.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1st September, 1796.

[A second despatch marked "Separate" was written on this date, but a copy of it has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 19, per store-ship *Britannia*; acknowledged by the Duke of Portland, 31st August, 1797.)

2 Sept.
Purchases from
trading vessel.

My Lord, Sydney, New South Wales, 2nd Sept., 1796.

An American ship* having stopped here for refreshment in her way to Manilla and China, upon my receiving information of what her cargo consisted I found some articles which the colony was in want of, and the probability there appeared from the latest accounts of the political state of Europe, and the continuance of war, that in the hurry of the public concerns of the nation we might not be so early supplied from home as our necessities might require, and as I found some of the articles were probably not so expensive taken in this way as they might have at this time proved to Government if sent from England, I judged it right to direct the Commissary to purchase one hundred tierces of beef, the same number of pork, ten tons of iron, and a few smaller articles, all which will be particularly specified and accounted for in the Commissary's vouchers and accounts. The beef and pork, my Lord, I have taken to prevent as long as possible the shortening the ration of that article, because I have already seen the consequence of such necessity has generally been the destruction of our live stock, which it is my wish to preserve and encourage the care of for some time longer, when it will not then be so injurious to the prosperity of the colony as it would be whilst it is yet but scarce.

I have, &c.,

JNO. HUNTER.

* Note 315.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Britannia*; acknowledged by the Duke of Portland, 30th August, 1797.)

1796.
5 Sept.

Conspiracy on
the transport
Marquis
Cornwallis.

My Lord, Sydney, New South Wales, 5th Sept., 1796.

Having mention'd in my letter No. 8 that upon the arrival of the ship Marquis Cornwallis in this port with convicts from Ireland and a few recruits for the New South Wales Corps, I had receiv'd information that a daring and dangerous insurrection had been plan'd on board her during her voyage for the purpose of getting possession of the ship and murdering the officers, upon the application of Mr. Michael Hogan, her commander, I instituted such enquiry as it was in my power to direct before the departure of the ship from hence, and the enclos'd papers are the result of that examination.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

JUDGE-ADVOCATE COLLINS AND MR. W. BALMAIN TO GOVERNOR HUNTER.

Sir, Sydney, 30th April, 1796.

We beg leave to lay before you the accompanying depositions and papers, from a careful examination of which we have no difficulty in saying that we think Mr. Hogan, situated as he found himself, with a dangerous conspiracy in his ship on the point of breaking out, and headed by some of the most daring and desperate offenders that the jails of Ireland could produce, could scarcely have acted otherwise than he did, and we are of opinion that nothing but the steps he took ensured the safety of the ship, and the preservation of the lives of all on board.

It does not appear to us that there was any improper interference with the military guard on board on the part of Mr Hogan.

We have, &c.,

DAVID COLLINS.

W. BALMAIN.

[Enclosure.]

CONSPIRACY TO SEIZE THE MARQUIS CORNWALLIS.

21st March, 1796.

Cumberland, } At a meeting of two of his Majesty's Justices of
to wit. } the Peace.

Present:—The Judge-Advocate and William Balmain, Esq.

LAWRENCE GAFFNEY, private in the New South Wales Corps, came before them and made oath that he came out in the ship Marquis Cornwallis from Ireland to this country, commanded by Capt. Hogan; that there was on board the said ship two officers of the said corps, Ensign Brabyn and Ensign Moore. That after he had been put into confinement he heard that there had been a conspiracy

1796.
5 Sept.

Conspiracy on
the transport
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to take the ship—he had not heard of it before. That he was confined upon the poop during six days, but cannot say by whose order, whether his own officers' or the captain's. His own officers were present. He was confined in irons, but was not acquainted with the cause. That orders were given to some midshipmen who had the charge of him to cut him down if he attempted to speak. That he was brought down from the poop at the time the serjeant was undergoing his punishment—he supposes for the purpose of hearing what the serjeant might say of him. That on the serjeant's frequently saying he had nothing against him, Capt. Hogan told him he supposed he was a Freemason. That one of the convicts laid some accusation against him, but he knows not what, as he was upon the poop at the time. That the serjeant, after being punished, was ordered forward to have his hair cut off and to be ironed. That the carpenter asking Capt. Hogan if the serjeant should be ironed alone, Capt. Hogan told him no, he had a comrade for him, and ordered him forward to have his head shaved and to be ironed to the serjeant, which was done. He being handcuffed, thumb-screwed, and leg-bolted to him, they were sent down into the prison amongst the convicts, where he remained ironed in this manner to the serjeant until he died, which was in nine days. That on his death Capt. Hogan himself ordered him to be ironed to one of the convicts, in which situation he remained from the month of September until the month of February last, when he was released. That he received no other than the ration of provisions which was served to the convicts. That he understood from them the ration allowed by Government was not issued to them as it ought to have been. That he is certain he never gave any cause for the treatment he received, nor was he ever acquainted with the cause either by his officers or by Capt. Hogan. He was told by several of the convicts that the prisoner who had accused him was a man who had taken several men's lives away in Ireland. That he attributes all his miseries and sufferings to the said Capt. Hogan. That he has nothing to say against his own officers. That during the time he was in irons he had the scurvy very bad in his legs, and applied to have his irons taken off, but was refused by Captain Hogan, who released some of the prisoners, but continued him in irons until they eat an hole in one of his legs. That on Christmas Day last he protested his innocence to the capt., who told him to get ready his evidence to prove it when he arrived at New South Wales.

JAMES MARTIN, private in the New South Wales Corps, made oath, that the serjeant and Lawrance Gaffney were ironed together, but he does not know by whose order. That he was punished after the serjeant had received his punishment; both punishments were ordered by Ensign Brabyn. Gaffney was not punished; he knows that he was ironed to the serjeant and sent below, but cannot say by whose order. He was sent below himself after he had been punished; that the captain and Mr. Brabyn came forward in the evening to the forecastle and ordered him and a soldier of the name of Bullock down into the prison; that the cause of his being punished was having said to the other soldiers that they were to blame, or foolish, to do any other duty on board than that of the King's—to guard the prisoners on board. That he knows of no ill-usage received by Gaffney while on board the ship at the instigation of Captain Hogan or his officers, except that of being ironed to the serjeant and sent below. That he was punished twice

while on board—the first time for the cause already stated; the second time happened in consequence of Capt. Hogan's having said something injurious of one of his officers. He communicated it to Mr. Moore, who, the next morning, told Capt. Hogan of it, on which Capt. Hogan denied his ever saying anything injurious of the officer, and ordered him to be punished by the boatswain of the ship, telling him he would shew him the difference between a sailor's and a soldier's hand. He received two dozen lashes. His officers were present, who did not object; he heard no remarks from them. He begged not to be punished, but to be confined until he arrived here, but his request was not complied with. That he lived a month on the convicts' ration. That he remembers Capt. Hogan's promising to interest himself about getting their accounts settled before they sailed, declaring he would not go to sea until they were settled. He believes that they were settled in consequence of that interference. That they were victualled, from his embarkation to the time of their leaving Cork, the same as the seamen—fresh mutton, bread, &c. That at the Cape they were victualled with fresh mutton and bread. That they had 6 lb. of bread between four men every day in the week.

WILLIAM KELLOW, private in the New South Wales Corps, deposed on oath, that the serjeant, Gaffney, and Martin, were one morning during the voyage confined upon the poop, where he remained a few days. That he was brought down from thence on being accused of having been concerned with the prisoners in a conspiracy to take the ship. That the serjeant and Martin being punished, Gaffney was questioned. That he denied knowing anything of the business, after which he was ordered forward to have his head shaved and to be ironed. That he thinks Mr. Brabyn gave the order. That three days before the serjeant died he happened to be in the prison, and saw at that time the serjeant ironed to Gaffney; that when the serjeant was dead he saw Gaffney separated from him. That he believes a conspiracy existed to take the ship. That it was carried on amongst the convicts on board, whom he has heard say that the serjeant was the only soldier who knew anything of it. That he afterwards observed the serjeant talking to the convicts more than became a non-commissioned officer, but he never saw Gaffney talking to them. That he has heard Gaffney complain of the scurvy. That he has nothing to complain of in regard to Capt. Hogan, whom he never saw behave ill to the detachment; that Capt. Hogan, in general, always consulted the officers of the corps in whatever he did respecting the detachment. He once flogged a soldier, by his own order, for striking a boy with a bayonet; the officers were present. That Capt. Hogan once ordered him to be punished for not doing his duty when centinel over the prisoners at a time when a razor was stolen.

SAMUEL BAXTER, GEORGE HARLEY, NOAH TRUMP, CHARLES STUTT, and BRIAN O'DONNELL, privates, being sworn, deposed that they did not receive their whole allowance of butter and cheese. That they had several fresh meals while at sea. That Capt. Hogan ordered tea and sugar for several who were sick.

SAMUEL BAXTER particularly deposed that he had heard Capt. Hogan order the serjeant from the poop, and order him to be tied up. Does not recollect who ordered him to be punished. That when it was over the serjeant was sent forward, and his head was shaved by this deponent. That he heard there was a

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conspiracy to take the ship, and he believed there was such a conspiracy. That the convicts who came out in the Cornwallis were a desperate set of villains. That he remembers during the time the serjeant was undergoing his punishment he applied to Captain Hogan for mercy, and was answered: "It is not I who punish you, but your officers. When you come to Botany Bay you may apply to me for mercy." That at the time Martin was punished the soldiers in general declared with one voice that he was too bad a character to associate with, and they all voted for his being sent below.

BRYAN O'DONNELL particularly deposed that Martin instigated him to refuse being planted centinel while at Cork, which was the occasion of his being tried by a General Court-martial and sentenced 800 lashes, 150 of which he received.

JOHN BRABYN, ensign of the New South Wales Corps, deposed, upon oath, that he came out in the Marquis Cornwallis from Ireland, having the command of the detachment of the New South Wales Corps on board, consisting of 2 ensigns, 1 serjeant, 1 corporal, and 26 privates. That somewhere about the Cape de Verd Islands there was a report of a conspiracy on board to take the ship. It was first said to exist amongst the prisoners, male and female convicts from Ireland, 230 or thereabouts. That on his being called into the cabin by Capt. Hogan, in the presence of Mr. W. Roberts, a midshipman, to hear the information of Patrick Hughes (a convict), he was then told by Hughes that the serjeant was at the head of a gang of desperate offenders who were to take the ship. That he was the more readily inclined to believe this from the former conduct of the serjeant. The serjeant received from him while laying at the Cove of Cork four clasped knives. That after they had sailed a month he applied to him, and said he had lost his knives, and, as gnawing his meat like a dog was what he had not been used to, he asked him for two more knives, which he gave him. That evening Capt. Hogan received information that the serjeant was to send down amongst the prisoners six knives, for which he had received money. That on this report he thought it necessary to have an inspection to see what knives were amongst the serjeant and men. That on the serjeant he found the six clasped knives; he had also spiked up the touch-holes of six firelocks; he had also stolen some sheets. These circumstances induced him to credit Hughes's information, on which account, on consulting with Capt. Hogan, the officers, seamen, &c., in the ship, he was ordered into confinement.

That Lawrence Gaffney received no ill-treatment while on board the ship. As to his being confined and chained to the serjeant while he died, he cannot say that he was positively, but he thinks he was not; that he was brought upon deck to be dressed, and does not recollect seeing Gaffney with him. That having been sent for by Gaffney while in prison, he told him who his enemy was. That he had accused him of speaking to the convicts at the hatchway. That he might be innocent, which would appear hereafter. That he is positive the soldiers were never wronged out of their allowance, neither were the prisoners. That as to the last punishment of Jas. Martin, it was done by consulting with him and the other officer, and not at all the particular order of Capt. Hogan; and that no soldier was ever punished but with the advice and knowledge of himself and the other officer.

The information given against Gaffney stated that he was holding communication with the convicts in council with the serjeant, and was to supply them with knives, and to assist them in getting on deck. At the inspection he did not find any knives upon him. He was confined on the information of Nich. Coghlin and another convict.

That nothing but the steps they took could have saved the ship, and to which they were impelled by necessity, their situation being so desperate as to require desperate remedies.

That he never saw Capt. Hogan ill-treat or use with any degree of cruelty any of the soldiers of the ship. The soldiers never complained to him of anything but of being obliged to watch. This consisted only in now and then pulling a rope, or getting up their own water, &c.

WILLIAM MOORE, ensign in the New South Wales Corps, deposed, upon oath, that he came into this country in the Marquis Cornwallis, transport. That at the time the ship was nearly crossing the Line he heard of a conspiracy amongst the convicts and soldiers to take the ship. He heard that the serjeant of the party was to furnish the convicts with arms and knives, the latter to saw off their irons. The convicts were to be let upon deck by the serjeant, who was to prevent the guard from firing upon them. That six knives were found in his knapsack on inspecting it, altho' the evening before he had applied to Ensign Brabyn for two knives, stating that he had none. That on this information the people of the ship were assembled and made acquainted with it. Several circumstances came out against the serjeant which corroborated the information of his being at the head of the conspiracy. That it appeared he had spiked the touch-holes of six muskets. That two pistols belonging to an officer on board, being sent to him to clean, he disabled them both. That in consequence of the various informations which was received, the officers of the army (Ensign Brabyn and himself), the officers of the ship, and the ship's company, came to the unanimous resolution of punishing all those who were proved to be concerned in the conspiracy with the utmost severity. That this resolution was put in execution, and upwards of fifty convicts were punished in consequence of it, by order of the commander of the ship. That the serjeant was punished by order of his own officers. That the safety of the ship is to be attributed wholly to these measures, the convicts in general on board the said ship being of the very worst description, and the refuse and sweepings of the Irish jails. That it was the general opinion on board that if these steps had not been taken the ship would not have been brought in safety to this port. He never heard of any ill-treatment which was given by Capt. Hogan to the prisoners on board that cou'd induce them to form this conspiracy. That he never saw on board of any ill-treatment shewn by Capt. Hogan to the soldiers. That he is of opinion there were sufficient reasons to justify the confinement of Lawrence Gaffney. That most of the soldiers were of opinion that Gaffney was not fit to do duty in the ship from the connexion which subsisted between him and the convicts.

HUGH REID, first officer on board the ship Marquis Cornwallis, deposed, upon oath, that there was embarked at Cork, in the kingdom of Ireland, 163 male and 70 female convicts on board the said ship. That several of the male convicts were known by the

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name of Defenders, and the whole were of the very worst description. That on the morning of the 15th September last he received a caution from the captain to keep a watchful eye over the convicts and the soldiers, as he had just received information from some of the former of a conspiracy to take the ship. This information was shortly after produced to the ship's company. It respected the serjeant of the detachment as well as several of the convicts, and was strongly corroborated by several concurring circumstances. It was therefore agreed unanimously, by all the free persons on board, that the ringleaders should be punished with severity, which was put in execution. That during the punishment information came out against Lawrence Gaffney, who was in consequence ordered into confinement. That had not these steps been taken the ship could never have been secure, as it evidently appeared the convicts, headed by the serjeant, had bound themselves by oath to murder the captain and principal officers. That the convicts were treated on board before this conspiracy with great humanity, and the soldiers with great attention, altho' they at times behaved with much impropriety. That, in his opinion, there were sufficient reasons for confining the corporal—he had been twice pitched upon personally by one of the convicts as a man who had had communication with them respecting the conspiracy. The ration of provisions which had been directed by authority was always regularly served out, more rather than less having been issued. That when the detachment came on board the ship, at Portsmouth, the officer who escorted them from Chatham Barracks informed him they had been excessively mutinous and troublesome to him on the march; that the serjeant had been the most so, and set a very bad example to some of the young soldiers; one man he recommended to have confined in double irons.

WILLIAM ROBERTS, a midshipman on board the ship Marquis Cornwallis, deposed, upon oath, that several informations of a conspiracy being given to Captain Hogan, he found that the serjeant of the detachment was principally concerned, which was proved by various circumstances. He was accordingly confined in irons on the poop, and the convicts were brought on deck to be punished. That about fifty of them being punished, the commanding officer of the soldiers ordered the punishment of the serjeant, who was afterwards ordered by the general voice down below in the prison amongst the convicts, as it was not safe to have him on deck amongst the soldiers. That on being taken down he heard the convicts unanimously execrate the serjeant as the author of all their misfortunes, and requesting that he might be sent forward in the bow of the ship out of their sight. That information was given against Lawrence Gaffney by a man who did not know his name, but who twice pointed him out as he passed him. That he has no reasons to suppose that any ill-treatment was shown by Captain Hogan to any of the soldiers or prisoners on board. That had not these punishments taken place the ship would not have been safe.

MATTHEW AUSTIN, superintending surgeon on the part of Government to the soldiers and convicts on board the ship Cornwallis, deposed, on oath, that he is of opinion firmly that a conspiracy existed on board the said ship to get possession of her, and take her to South America. That Capt. Hogan received the first information on the 9th of September, which he kept secret until he

could get clear and satisfactory proof. That on the 15th following he produced his information, when it was unanimously resolved that all the conspirators should be severely punished. This resolution was taken by all the free people in the ship, and put in execution, between forty and fifty being punished. That some of the women were concerned in the conspiracy, their part being to convey knives to the men, and to put pounded glass into the messes of the ship's company. That he approved highly of the steps which were taken when the conspiracy was known, and attributes his own existence at present to those measures. He is of opinion that no wanton cruelty whatsoever was exercised on any person on board.

JOHN HOGAN, surgeon of the ship Marquis Cornwallis, deposed, upon oath, that he is of opinion there existed a conspiracy on board to take the said ship on her voyage to this country. That it was told him the convicts immediately on their being embarked bound themselves by oath to be true to their own principles. That on the 15th this conspiracy was discovered and laid before the ship's company and officers by Captain Hogan. That they all came to the unanimous resolution of punishing the conspirators with as much severity as possible, by flogging them on their bare backs with cat-o-nine-tails; that this resolution was entered into to save their own lives and the ship. This resolution was accordingly executed. The convicts on board were of such a description of people that no other measure short of putting them all to death could have saved the ship. That ever after their punishment those who had been punished endeavoured to strangle in the night those who had given information. That Capt. Hogan was compelled to fire amongst them to suppress their mutiny. That he heard Capt. Hogan declare to Ensign Brabyn that he left any steps regarding the serjeant to be taken by him, as he meant to try him for piracy on the arrival of the ship in New South Wales. That he never understood from either convict or soldier that they had any ill-treatment to complain of from them. He has frequently heard the convicts say that Capt. Hogan's kindness to them was to coax them to Botany Bay as he knew they were too powerful. That there being reason to suppose the boatswain mate had been concerned with the convicts, he was turned out of the ship at St. Helena. That one of the soldiers of the detachment was tried by a General Court-martial on board the ship for neglect of duty, tho' his offence was for damning the King and saying he would not serve his Majesty. That after the Court-martial was over one of the soldiers who was centinel quitted his post and went up to the President. These circumstances are mentioned to shew the irregular state of the detachment.

DAVID COLLINS, Judge-Advocate.

W. BALMAIN.

[Enclosure.]

STATEMENT BY CAPTAIN HOGAN.

Ship Marquis Cornwallis, at sea, 10th Sept., 1795.

At 6 p.m. I received a note from Wm. Mouton and Francis Royal, two convicts, desiring to speak to me in private, and at 8 this morning, having brought them into my cabin, they informed me, in the presence of Mr. Richardson, that a conspiracy was

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formed by the convicts and soldiers to get possession of the arms and the ship, and that I was the first person to be put to death, and that Sergt. Ellis and a few of the soldiers were at the head of this plot. They also informed me that the sergt. was to furnish the convicts with knives for the purpose of making saws to cut off their irons, and that the convicts were to send the sergt. money to purchase the knives, and that they and he corresponded regularly, and the notes which passed between them (after being read) were thrown overboard, and at daylight some morning they were to rush on deck in a body when the boys were let up to clear the buckets. This, of course, gave me some concern and additional caution, and induced me to request Ensign Brabyn (the commanding officer of the troops) to fall his men in and muster their kitss, and on examining the sergeant's first we found six knives upon him, all new and large but one. Last night he went to Ensign Brabyn and got two knives from him, saying he had not one to cut his victuals, but to our great surprize we found him possessed of six, for (I am sure) the worst of purposes.

After considering seriously of this information, and finding the knives with the sergt., whose principles I long doubted, I cautioned the officers and petty officers, with some confidential seamen, against any sudden surprize or attack from forward, and kept a strict eye myself to the conduct of the soldiers. On the 12th, at 8 p.m., the gunner came to me in my cabin, and informed me that last night between half-past 10 and 11 o'clock, being in the lee waist, he heard the sergeant make use of mutinous and inflamatory language to the soldiers, addressing himself mostly to the centinels on the fore hatchway (the prison door). He compared the situation of the soldiers to the convicts, saying they were worse off, for that some of the convicts were transported only for seven years, and that they were for life, and that they were damned fools to be sold. On this I appointed a seaman to stand at the fore hatchway as centinel (with two soldiers), with strict and positive orders to do that very necessary duty. I also laid similar injunctions on the forecassle officer, and gave the seamen forward an idea that something wrong was going on, being convinced of the duty I saw they owed their king and country from the chearful manner in which they obeyed every order. Nothing further transpired till the 13th inst., when Patt. Hines, a convict (a man who I had a good character of, and had reason to form a good opinion of from his general conduct since he came on board), gave additional and very substantial information of a conspiracy forming between the convicts and sergt., and said he was ready to prove the whole that day; but as I was desirous of the clearest and fullest information on this business, and of

having the ringleaders pointed out, I ordered him into the prison for a few days to collect, if possible, more than he had already known, by pretending to be hearty in their desperate cause.

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On the 15th, at 10 a.m., I sent for Ensign Jno. Brabyn, the commanding officer of the troops, and Mr. Wm. Roberts, an officer of the ship, into my cabin, and ordered Hines to be brought aft to me from the prison, that he might give his information in the presence of these two gentlemen relative to the conspiracy, which he before said was forming between the convicts and sergeant, with an intention of getting possession of the ship, and putting me, the greatest part of the officers, and crew to death, or such part as would resist their desperation, which, I am sure, would be the whole, and afterwards conduct the ship to America, in which country they were to dispose of her as they should determine by a majority of voices.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Britannia*; acknowledged by the Duke of Portland, 30th August, 1797.)

My Lord, Sydney, New South Wales, 14th Sept., 1796.

14 Sept.

Having this day received a letter from Captain John McArthur, of the New South Wales Corps, wherein he informs me that it is his intention to lay before your Grace copies of such correspondence as he has had with me, and also to give you his opinion respecting the colony:

Hunter's
opinion of John
Macarthur.

It may not be improper that I shou'd inform your Grace that this officer is the person who had been appointed by Lieut.-Governor Grose Inspector of the Public Works, an appointment which I soon after my arrival saw to be highly necessary to the assistance of the Governor, and in which I said I had continued this officer. But having, before I had been long in the country, had cause to remark that scarcely anything short of the full power of the Governor wou'd be consider'd by this person as sufficient for conducting the dutys of his office, and that such power as he had thought proper to exercise having given cause to some complaints which had been lay'd before me, I saw it absolutely necessary to forbid any interference in the departments of other officers, who were respectively, as principals in their own departments, responsible to me as the Governor. Such decisions upon such complaints not having satisfied Mr. McArthur, he soon after desir'd permission to resign his civil appointment, and this I judg'd he had determin'd upon from finding that in all such cases I wou'd be govern'd by my own judgment, and that I was not dispos'd to allow any power to any officer in this colony which cou'd be exercis'd to the annoyance of other responsible persons,

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or to the disturbance of that peace and harmony on which I consider'd the happiness of the people at large and the progressive improvement of the colony depended so much. I, without reluctance, accepted the resignation,* and this officer has now thought fit within three days of the sailing of the ship by which I forward my dispatches to announce his intention of laying his opinion respecting the colony before your Grace; and this information he has convey'd to me in terms which imply a censure on my judgment or management of those concerns with which his Majesty had been pleas'd to entrust me (a copy of his letter I enclose), and this opinion is to be accompanied with copies of some correspondence with me of which I have no immediate recollection, not having ever had any with him on any subject of sufficient importance to trouble your Grace with.

I will not take up your Grace's time by such observations as this conduct might suggest; it will be sufficient to say that I think any person at perfect liberty to give their private opinions upon what they know and what they see when abroad to their private friends. But I am of opinion that were every restless, speculating, troublesome, or dissatisfied individual in this or in any distant colony encourag'd to consider himself of sufficient importance to take the liberty of corresponding with his Majesty's ministers upon the public concerns of such colony, and wholly independant of the Governor, it wou'd soon occasion such a variety of opinions as cou'd only serve to embarrass the judgment of Government, and wou'd generally be found to be directed more to the private interest of the several schemers than that of the public. If individuals have anything to offer for the benefit of the service, it should come thro' its proper channel. If there exists any grievance which it might be necessary to lay before the Secretary of State, that shou'd also pass thro' the hands of the Governor, in order to his making such observations upon it as might place it in as clear a point of view as possible.

I am not known, my Lord, to possess a violent or a peevish disposition, but I hope your Grace will pardon me when I declare that I consider this officer's conduct in this instance to be an impertinent, indirect, and highly censurable interference in the dutys and department of the Governor of this colony, which, if permitted to pass without representation or notice, might terminate in reducing his consequence and authority to a mere name, and encourage every person engaged in private speculations, whenever the public orders and regulations which existing circumstances may render necessary may interfere with or disappoint their favourite schemes, to inform the Governor they intend to lay their opinions before his Majesty's minister.

* Note 289.

As I know nothing of the circumstances intended by this officer for your Grace's information, it is not necessary to trespass longer on your Grace's time.

I have, &c.,

JNO. HUNTER.

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[Enclosure.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 13th September, 1796.

It being my intention to transmit copies of the correspondence which I have had the honour to hold with your Excellency, and to declare my opinion respecting this colony, to his Majesty's Secretary of State, candour and justice require that you should be informed of it.

I have, &c.,

JOHN MCARTHUR.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

15th September, 1796.

15 Sept.

[A copy of this despatch, which was marked "Separate," has not yet been found.]

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(A private letter, per store-ship Britannia.)

Dr. Sir, Sydney, New South Wales, 17th Sept., 1796.

17 Sept.

Lieut. Abbott, of the New South Wales Corps, will have the honor of delivering this. He has had his health so ill for some time past as to be wholly incapable of his duty, and is therefore permitted to return to England. This gentleman having had the detached command on the banks of the river Hawkesbury, where our settlement is now pretty considerable, I have given him this letter to deliver, in order that you might have an opportunity of asking any questions you might wish relative to that district.

Lieutenant
Abbott.

His Majesty's ships* are now upon sailing for the Cape Good Hope, in order to procure such quantity of live cattle for the colony as they can conveniently accommodate. By the present opportunity, which is that of the return of Mr. Palmer, the Commissary, and the Judge-Advocate, Capt. D. Collins, I forward for his Grace the Duke of Portland a very complete and full account of this colony, which, allow me to say, I think will be satisfactory. The settlement is thriving and our stock increasing; but if we are allow'd to run very short of salt provisions we shall be thrown back again in our quantity of live stock. We are at present so very short of laborers that Gov't's ground lays idle, and all our force is employ'd in erecting such buildings as we can for preserving our crops. I hope you may soon be able to send up some male convicts.

Live stock
from the Cape.

* Note 316.

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We shou'd be doing still better were we clear of some extrem'y troublesome people; there is continual feuds and animosity, and a strong desire for litigation, on which account I earnestly wish some steps be taken to add some expence to all private litigation.*

I am, &c.,
JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 20, per store-ship Britannia; acknowledged by the Duke of Portland, 31st August, 1797.)

[A copy of this despatch has not yet been found, the enclosure only being available.]

[Enclosure.]

ACCOUNT of Live Stock in the Possession of, and Land in Cultivation by, Government and the Officers, Civil and Military, 1st Sept., 1796.

To whom belonging.	Mares and Horses.	Cows and Cow Calves.	Bulls and Bull Calves.	Oxen.	Sheep.	Goats.	Hogs.	Land in Cultivation.
To Government ...	14	67	37	46	191	111	59	acres. 1,700a
Military	43	34	37	6	1,310	1,176	889	1,172b
Total of Govern- ment and Officers	57	101	74	52	1,501	1,287	948	2,772
To Settlers .....	...	...	...	...	30	140	921	2,547c
General total	57	101	74	52	1,531	1,427	1,869	5,419

a Our weakness in public laborers and the many buildings we are so much in want of occasions the land cleared by Government to be unemployed this year.
b About four-fifths of this is now sown with wheat.
c Much timber cut down, but not burnt off.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 21, per store-ship Britannia; acknowledged by the Duke of Portland, 31st August, 1797.)

20 Sept My Lord. Sydney, New South Wales, 20th Sept., 1796.

Inclosed I transmit for your Grace's information a return of the civil establishment of the colony, and the alterations which have taken place since the first establishment.†

The finances

This being the last letter which I shall trouble your Grace with by the present conveyance, I cannot close it without expressing my concern at the unavoidable expences incurred within the last year, but which, I flatter myself with the hope, will be considerably less during the next. I have only to request that your Grace may have recourse to the Commissary's accounts, as well as to that gentleman personally; if there shou'd be anything not perfectly clear, he will be on the spot to explain. In our present state, my Lord, almost every work of a public nature (and there

* Note 317. † Note 318.

are many yet to be done) must be attended with expence, because we have no artificers but who are free men. I am at this time endeavouring to get two windmills erected, but it cannot be effected without expence, for the above reasons; and if it were not to be attempted, much of the wheat purchased at the proper seasons would be lost by vermin. I am therefore anxious to have it ground into flour as early as possible. We shall, I fear, want some millstones and other articles for dressing flour.

I will no longer fatigue your Grace, but request that you will do me the honor and justice to believe I am extremely anxious that our concerns here may be so managed as to meet your Grace's approbation.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

RETURN of the Civil Establishment of New South Wales, 20th September, 1796.

Office.	Name.	Where employed.
Governor	John Hunter, Esqr.	Sydney....
Lieut't-Governor	Frans. Gros, Esqr.	Returned to England.
Lieut't-Governor	Phillip Gidley King, Esqr....	Norfolk Island.
Judge-Advocate	David Collins, Esqr.	Embarked in the Britannia.
Secretary to the Governor...	do	do
Chaplain	Revd. Richard Johnson	Sydney.
Assist.-Chaplain	Revd. Sam'l Marsden	Parramatta.
Commissary	John Palmer	Embarked in the Britannia.
Deputy Commissary	Tho's Laycock	Sydney.
Deputy Commissary	Zach'h Clark	Norfolk Island.
Surveyor of Lands	Augustus Alt	Sydney.
Deputy Surveyor	Charles Grimes	Parramatta.
Principal Surgeon	John White	Returned to England.
Assistant	Will'm Balmain	Sydney.
do	Tho's Jamieson	Norfolk Island.
do	James Thomson	Parramatta.
do	Samuel Leeds	Resigned. Embarked in the Britannia.
do to Surgeon	D'Arcey Wentworth	Sydney.
Provost-Marshall	Tho's Smyth	do
Acting do	Fane Edge	Norfolk Island.
Superintendents of Convicts. {	¹ Nicholas Divine	Sydney.
	¹ Thomas Clark	Parramatta.
	¹ Andrew Hume	Toongabbe.
	¹ John Jamieson	Norfolk Island.
	¹ William Baker	Hawkesbury.
Storekeepers {	² Darcy Wentworth	Norfolk Island.
	³ William Broughton	Parramatta.
	² W'm Neate Chapman	Norfolk Island.
	³ Thomas Smyth	Sydney.
Master Bricklayer	³ James Bloodworth	do
Master Carpenter	³ John Livingston	Parramatta.
Master Miller	¹ Thomas Allen	do
Master Millwright	¹ Ja's Thorpe	do
Master Blacksmith	⁴ Walter Brodie	Sydney.
Master Boatbuilder	¹ Dan'l Payne	do
Navigating the Sloop	⁵ Will'm House	do
Acting Superintendant	² Martin Timms	Norfolk Island.
Master Carpenter	Vacant	do

¹ Sent as such from England.

² Appointed by Lt.-Gov. King.

³ Appointed by the late Gov. Phillip.

⁴ Appointed by Lt.-Gov. Grose.

⁵ Appointed by Lt.-Gov. Grose, who promised him £10 per annum.

JNO. HUNTER.

1796.
20 Sept.

The finances.

1796.
26 Sept.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch marked "Separate," per transport *Ganges* to the Cape of Good Hope, thence per H.M.S. *Supply*; acknowledged by Governor Hunter, 25th June, 1797.)

Sir,

Whitehall, 26th September, 1796.

The Scottish
martyrs.

Having referred to the Lord Advocate of Scotland the memorial addressed to you by Thomas Muir, Thomas Fysh Palmer, and William Skirving, dated Sydney, New South Wales, 25th October, 1795, together with certified copies of their respective sentences and the subsequent Order-in-Council thereon, I hereby acquaint you that it is your duty to detain those persons within your Government until the terms of their respective sentences are completed.*

I am, &c.,

PORTLAND.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Prince of Wales*, *via* China; acknowledged by the Duke of Portland, 18th September, 1798.)

12 Nov.

My Lord, Sydney, New South Wales, 12th Nov., 1796.

The condition of
the colony.

From a variety of considerations of a public nature, as well as from motives of humanity, your Grace will have understood before this can come to hand that I had charter'd the ship *Britannia* to sail from hence directly for England. By that ship, and under the care of Capt. David Collins, our Judge-Advocate (who had obtain'd his Majesty's permission to return to England on his private concerns), I transmitted my dispatches for your Grace, with as full and complete an account of the concerns of this colony as I cou'd possibly make out, and which I hope will be found as satisfactory as from the various alterations and changes which had taken place in the settlement since the time at which Govr. Phillip had left it (1792) cou'd well be expected, and of which Mr. Collins and Mr. Palmer, the Commissary (who is also returning on private business to England), if they will speak their real sentiments, which I trust they will, can very well inform your Grace. Those gent'n are well acquainted with the very embarrass'd situation in which they left me, and of which I did not think it necessary then to mention to your Grace any particulars.

Want of public
labourers.

The difficulty of my task, and the heavy work I had set about and determin'd to accomplish, they are no strangers to, nor to my want of assistance in officers or a sufficient number of labourers, and almost wholly without artificers of every kind. It may appear extraordinary to your Grace that we shou'd have

been so very weak in public labourers when so considerable a number will appear on the Commissary's books fed and cloathed at the expence of Government. This, my Lord, is one part of the difficulty with which I mentioned in my letter, No. 9, I had to contend, but which I at same said I might take some future opportunity of noticing more particularly, and which I probably wou'd have declin'd altogether observing anything upon it were it not that I am unwilling former mistakes shou'd be in any degree plac'd to my account.

1796.
12 Nov.

I must now, my Lord, beg your Grace's patience untill I remark a few circumstances which may serve to convince whether there has been any cause for complaint on my part. Considerable numbers of the convicts, I find, have been settled by the different officers who commanded after the departure of Govr. Phillip, and of people who had neither serv'd their time out nor were emancipated to enable them to become settlers and to possess property in this country, nor had they receiv'd any grant more than:—"A.B. has my permission to settle"—signed by the commanding officer. This slip of paper serv'd them as a sufficient authority to fix wherever they pleas'd.* Settlers of this description, as well as many who had been more regularly permitted, have had their servants allow'd them from amongst those of the public. The servants allow'd to officers by a former regulation, and the many convicts who had been dispers'd amongst the sergeants, corporals, drummers, and considerable numbers of the private soldiers, as servants, together with many others variously dispos'd of, or who had been permitted to accomodate themselves, had reduc'd our numbers to work for the public so very low that when I arriv'd we cou'd scarsely call together twenty for any public purpose at Sydney. This I hope I am not hasty in saying had very much the appearance of an intentional embarrassment.

Irregularity in settling convicts on the land.

Convicts allowed to settlers.

The task that, thro' this means, was impos'd upon me was truly unpleasant—nay, it was distressing—because it oblig'd me, contrary to my inclination, to shew my objections to certain regulations of some of my predecessors; in this, however, I was as delicate as it was possible to be, and as the public service wou'd admit. And notwithstanding the particularly kind attention which I was dispos'd and actually did show to every person in the colony, there are those in it now who have, in consequence of the dispositions I was daily making to correct abuses which were, perhaps, convenient to their private speculations, shewn every inclination, and have indirectly us'd every means, which cou'd be contrived to hinder or render ineffectual every step I was taking. This, it is true, my Lord, they have neither been

Reorganisation necessary.

1796.
12 Nov.

bold enough or so imprudent as to attempt openly, because, in that case, I cou'd at once have fix'd upon the person, but they have done it in such a way as left sufficient room for suspicion. They have, however, I trust, found me as firm and determin'd as I ought to be upon such occasion, and resolv'd I am to persevere in my endeavours to remedy every evil as far as I can, which have taken such deep root in this colony since the departure of Govr. Phillip. Such changes as have appear'd to me to be improvements upon that gentleman's ideas have already been candidly mention'd in former letters, and are continued, and not, I hope, without giving such reasons for my opinions as might leave your Grace a fair opportunity of deciding as to their propriety.

Difficulties
encountered.

Since the departure of the *Britannia* I have caus'd several musters to be taken. The necessity of raising a sufficient share of strength for enabling us to get on with the public buildings so essentially requisite was now sufficiently apparent to every candid person, and render'd this measure proper. The number of tricks practis'd upon the public by impostors and every species of imposition are what your Grace, or any person unacquainted with such characters, can have no conception of; but many have been detected and corrected as far as possible in so short a time. The innumerable difficultys which retard our progress in whatever relates to the concerns of Government, the astonishing state of indolence and indifference about the affairs of the public which the private traffic of individuals have brought about, is really extraordinary. The tricks daily practis'd, and the bad habits which have been permitted to take root so very deeply and extensively for want of timely correction, are such as renders it no less painfull to me to mention than they are found difficult to get the better of. The original discipline of the colony is sadly relax'd or nearly lost, but, it is to be hop'd, only for a time; all is confusion, disorder, and licentiousness, and a total inattention to—nay, I might almost say, a direct disobedience of—Public Orders. All this, my Lord, has, in my opinion, proceeded from the impatience of those who, having very little real or active duty to do, have been but too much engag'd in a most destructive traffic with spiritous liquors.* Had this article, so pernicious in its effects as it has been us'd, been sparingly employ'd and imported in moderation, it wou'd have done much good; but being an article eagerly sought after by the lower orders of the people, and those particularly employ'd in agriculture and other laborious employments, it has been as eagerly imported by those who had the means of purchasing, and sold again to the settlers at an immense profit, so that it has been said (and I confess I believe with truth) that

The traffic in
spirits.

* Note 520.

very considerable sums have been realis'd in a very short time by this ruinous trade—ruinous to many who might have liv'd now very independently on their farms; to the distruction of all order; to the almost total extinction of every spark of religion; to the encouragement of gambling; the occasion of frequent robberys; and, concern'd am I to add, to several very recent and shocking murders; and, in short, to the abolishment of all discipline and every attention to the concerns of Government. This spirit for trade, and, I may say, this trade with spirits (for it is that article only that I find fault with), has been carried so far that, altho' it originated with those whose situations gave them respectability and influence, it has descended to all the inferior appointments, so that the duty of their respective offices seem'd to have become a secondary attention. From these few circumstances your Grace will be able to judge how difficult my task is; yet, be assur'd, my Lord, that, having entered upon it, thro' it I will go, nor shall any difficulty whatever arrest my progress; nor do I despair of being able to re-establish that order, discipline, and regularity on which our prosperity as a colony must depend, for that it will prosper there is not, with me, the shadow of a doubt, but order in this is, perhaps, more essential to its existence than in any other society yet establish'd.

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Hunter will
carry out
reforms.

Were I, my Lord, to enumerate all the observations which have fallen under my notice since I arriv'd here, the various schemes of various projectors for the purpose of enriching themselves at the expence, but too often of ruin to the thoughtless and profligate settler, &c., it wou'd take up more time than I have at present to spare, and much more than your Grace can have to bestow on the perusal. Our settlers, my Lord, have been ill-chosen, as I have formerly said; many of them are very bad characters.

Unscrupulous
methods in
trade.

Had those gentlemen who have been allow'd considerable farms been contented with the advantages produc'd by those farms and their own exertions upon them, they wou'd have been handsomely recompens'd for their industry, particularly when it is consider'd that their principal laborers were fed and cloathed at the expence of Government, and that they had no wages to pay, but for such additional assistance as they chose to hire: had they done this, and as every officer ought to, have some wish for the prosperity of his Majesty's concerns, we shou'd not then have had so many wretched settlers continually soliciting the aid of Government to save them and their familys from want; instead of that we shou'd have seen many easy and independant; but such appears to have been thought too slow a method of making money. When we reflect on the various advantages which many of the military officers have had—advantages which I have not shewn

Self-interest of
the officers.

1796.
12 Nov.

Self-interest of
the officers.

any desire or intention to wrest from them—we cannot help expressing the strongest astonishment that they shou'd have ever thought of condescending to enter into trade of any kind, except that of disposing of, to Government, the produce of their agricultural labours. I found that the late Lt.-Governor had made it a rule to grant to every private soldier under his com'd 25 acres of land wherever he chose to have it. Those who were at Norfolk Island when this order took place, upon their return hither applied to me for the same indulgence, which I thought proper to comply with, unwilling to break thro' a regulation establish'd by their own commanding officer. Those farms cou'd not, as expressed in the grant, be occupied and cultivated by the proprietor, who in this case had other duty to do; this, of course, was understood; they therefore sold them, and most of them were purchas'd by their own officers, some of whom have by this means considerable tracts, and had they no other advantages might be consider'd extrem'ly well provided for.*

I am not dispos'd, my Lord, to be pointed or personal, where it can be avoided, in the observations which I feel it necessary to trouble your Grace with. But without claiming merit to myself from my forbearance, I may venture to say that few men in my situation wou'd have had so much.

Hunter's treat-
ment of the
officers.

I am no stranger, my Lord, in the profession. I have serv'd his Majesty in for forty-two years constantly and actively. I have the honour of being known to many of the highest and most respectable characters amongst its officers. I need not, therefore, speak of my own natural disposition; but after the attention shewn by me to the different officers, civil and military, since my arrival—an attention mark'd from the beginning by every proof I cou'd give of my having the most perfect confidence in each individual in their respective situations—after such assurances of a disposition to make them as happy as possible—to find that, instead of receiving that assistance which it was the duty of every officer to give, every means was practis'd to frustrate the endeavours I saw it necessary to use for correcting various tricks, and to remove customs which had been too long establish'd, and for want of timely attention consider'd as licens'd. Continually thwarted and worthless characters encourag'd almost into a state of resistance by those whose schemes might have been in some degree effected by the changes I was about to make, and which in few words may be said to be *order and regularity for confusion and licentiousness*.

Difficulties to
overcome

It will not surprise that I saw it necessary to withdraw that confidence, and to trust chiefly to my own judgment and observation, in doing which I soon observ'd that the only assistants I

had were so frequently and individually attack'd in the line of their duty as civil magistrates that were they directed to state their particular cases*, it would then appear what I have had to contend with in support of that order and civil government which it is my duty to protect, and which being my duty shall not be insulted whilst I can give it support.

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I should have mention'd, before I had gone thus far, that after the departure of Govr. Phillip from this colony a general change took place, all his plans and regulations were completely laid aside, the civil magistrate was superceded intirely, and all the dutys respecting the distribution of justice and every other concern of that office was taken into the hands of the military (a more prompt method probably, but subject to the effects of prejudice and caprice, consequently to injustice).† Upon my arrival I consider'd this plan as inconsistent with the intentions of his Majesty and of the British Parliament, and by no means agreeable to the laws establish'd for our Government here. I therefore reinstated the civil magistrate in his proper office, and directed the Judge-Advocate to attend to the dutys of his department relative to the distribution of justice. Those changes I had soon reason to observe were not well relish'd by those of the military whose power and influence over the civil concerns of the colony had been reduc'd by this measure. I, at the same time, believe it was well receiv'd by others of the same profession who had no private end to answer by the continuance of a system not in our situation strictly legal, nor were ambitious of having the trouble of a duty which they consider'd as the concern of a different and distinct department. Since that time frequent indirect and some direct attempts have been made to annoy the civil officers officiating as magistrates, with a view to the lessening that respect and influence over the minds of the lower orders of the people so highly necessary in our situation. For these shamefull and unpardonable purposes the most improper means which a mischievously fertile imagination, a malicious, restless, and vindictive disposition cou'd invent, or cou'd collect in the most improper way, and thro' the most uncertain channels, have been us'd; but I trust without that effect which was designed and expected.

A military
administration
initiated by
Grose.

Abolished on
Hunter's
arrival.

The dutys of the civil magistrate in this country, and more particularly in our present state, is most arduous, independant of the common dutys annex'd to the office which this officer may fill, it is therefore not desireable to be so employ'd; but I must say in justice to those gentlemen who officiate, that the office has been executed without reluctance, with much zeal and spirit. I feel therefore, my Lord, as the chief magistrate, the more par-

The civil
magistracy.

* Footnote by Governor Hunter, "Which I much wish they may."

† Note 322.

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ticularly offended at every attempt which has been made for thwarting them in the line of their duty, because I consider it as a direct attempt to overthrow, or render ineffectual, the civil power of the colony, and to continue that disorder, confusion, and disobedience which I am with the help of the civil magistrate endeavouring to correct, and bring back to what it once was, what I well remember it to have been, and what it ought to be for the happiness of society and the general advantage of the settlem't.

Unwilling as I am to trespass on your Grace's time, it may yet be proper that I shou'd point out one instance of the inconvenience I have, and the service has suffer'd, by an officious and industrious disposition to embarrass the civil power.

Macarthur lays
an information
against Atkins.

Soon after the departure of the Judge-Advocate, or rather at the time he had quitted his office and was embark'd, and another gentleman residing here had been some time nam'd by his Maj'y's authority to officiate, I was on the day on which I was going to announce him in Public Orders as doing the duty of J.-Advocate depriv'd of his immediate assistance by an officer in the New South Wales Corps having written to me and desiring to institute a criminal prosecution against this gentleman for a libel. This is the same officer* who has taken the liberty of corresponding with your Grace upon the public concerns of this colony, without consulting the Governor upon the subject of that correspondance, and of which I had just time to write your Grace by the Britannia. And as I must repeat my complain upon that occasion, I trust your Grace will take such notice of it as it may seem to demand. I confess, my Lord, I view it in a serious light as a public concern, and as an immediate, altho' indirect, attack upon the authority of the Governor, which I cannot suffer to pass without proper representation; had it been of a private nature your Grace wou'd not have been troubled upon it. (I beg pardon, my Lord, for this digression.)

The design of this prosecution of the intended Judge-Advocate is too apparent not to be immediat'ly seen thro'. Your Grace will discover that no Court, civil or criminal, can be held without such an officer at its head. This attempt is therefore in my opinion intended to deprive the service of the assistance of the man, who it is well, and has been long, known was nam'd by his Majesty's authority to do that duty during the absence of the Judge-Advocate,* and thereby to embarrass the civil power. This gentleman had long officiated as a magistrate to my great assistance and satisfaction. He had also done the duty of that civil office which this very officer had resign'd (the Inspector of Public

Atkins' services.

Works), and had executed these offices without the smallest accusation against him but such as this officer thought proper to lay to his charge, and which had been replied to by the other, and fully and clearly refuted to my satisfaction.

This prosecution now demanded originated in this person against whom it was design'd having found himself unjustly attack'd and accus'd of crimes of a heinous nature, partly grounded upon what he had been able to collect from some worthless and too often perjur'd convicts, who are seldom known to be partial to a strict magistrate, and who it appear'd upon a subsequent examination had been tamper'd with. This gentleman had written a very severe letter* to the above officer, in which he retaliat's all the ill-nature and invective of his accuser, and in his turn accuses him of the most improper conduct, and such as no man honor'd with the King's Commission cou'd be suppos'd capable. When I receiv'd information of this letter I was extrem'ly displeas'd, and condemn'd such a conduct in the most pointed manner. I desir'd to know his reasons for acting so very improper a part, and which he must have known was disturbing the peace of the settlement. He replied that in the situation he was now about to fill (*pro tempore*) he knew that no pains wou'd be spar'd by his enemy to vex and distress him wherever there might be the smallest opening for the exercise of a malicious and vindictive temper, and that had he suppos'd it w'd have been laid before me he wou'd have acted otherwise. His intention he said was to have drawn this officer out to a private and personal decision of this difference that he might not hereafter be troubled by him. Altho' I was much displeas'd with this gentleman's conduct in this instance, I cou'd not be surpris'd when I look'd back upon the provocation, the particulars of which I understand may come to your Grace's knowledge thro' some other channel.

Such a prosecution as that now desir'd cannot in our present situation take place. It wou'd require the professional ability of an expert lawyer to preside where our Criminal Courts are compos'd frequently of young and sometimes not very well-inform'd officers of the Navy and Army. And altho' the officer desiring to prosecute must be sensible of the impossibility, as well as inconvenience to the public service were it possible, he has pressed it as far as he can; but he cannot be gratified, however much I am desirous the law shou'd decide on the case. The other party had formerly made a similar application for redress by law, but being inform'd by the Judge-Advocate, who was then in the country,

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that to grant his request at that time wou'd very much retard the service we were then engag'd in, he most readily gave it up untill some more favourable opportunity might offer.

Opposition to
the civil power.

After having enter'd so far into the unpleasant part of our concerns, which I probably might not have done quite so soon had not the restless and troublesome dispositions of those who are contriving by all the indirect means they can invent to thwart the civil power, and to disturb the peace and order of the colony render'd it no longer either possible or proper to delay it, they work by means and by instruments thro' which it is difficult to bring the principals into the foreground; cou'd that be done by legal proofs we shou'd be at no loss how to act. Altho', my Lord, I am no advocate for any individual at such a distance from the mother country being possess'd of such discretional power as if in bad hands might be exercis'd to the oppression of others, I yet think that in consequence of our great distance from home some means might be suggested for removing from the colony such people as are found fond of disturbing the peace and order of the settlement, and the harmony of private society.

Deportation
suggested.

The Irish
transportees

I have at this moment an information upon oath before me of a very serious nature, and in which those turbulent and worthless characters call'd Irish Defenders are concern'd; they have threaten'd resistance to all orders, but they have not yet carried far their threats; a few of them have been punish'd. I am unwilling to lay much stress upon the above deposition,* altho' a voluntary one. It mentions those people having had the advice and opinion of some whose situation inclines me to doubt the fact, but I will watch narrowly. Seditious people might do much mischief with such instruments to work by. The grievances of those Irishmen are "that we have not the time of their conviction and sentence," which is certainly hard upon them, and shou'd be remedied, as they may otherwise be kept longer than is just in servitude.

For an account of our endeavours to restore order and regularity, and a proper attention to Public Orders, I refer your Grace to my letter No. 22, transmitted herewith. I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 22, per store-ship Prince of Wales. *viâ* China; acknowledged by the Duke of Portland, 18th September. 1798.)

My Lord, Sydney, New South Wales, 12th Nov., 1796.

Hunter's
regulations.

Having consider'd it necessary, from a variety of causes, to enter at some length into the unpleasant part of our circumstances in a separate letter, which your Grace will receive here-

* Note 325.

with, I think it equally necessary that you shou'd be inform'd of the steps which I am taking to get the better of these inconveniences, and to bring back to some kind of order and regularity, and to a more ready obedience to Public Orders, the turbulent and refractory set of people I have here to manage; for this purpose, and that your Grace may be enabled to form some opinion of what I have had to do since I landed here, and what I am now attempting for the general good, I send herewith a copy of all the Public Orders which have been issued by me since my arrival, and which I conceive may be necessary for enabling your Grace to form a judgement of the different objects I have had in view.

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I have intimated, in the separate letter above mention'd, that I have had reason to suspect some seditious and ill-dispos'd persons had been tampering with the refractory people alluded to in my Public Orders of the 15th, 25th, and 29th October last, in order to encourage them to a resistance of those Orders, by which it will appear that many of them—who had been too long permitted to impose upon Government, and had been working for private individuals, whilst the concerns of the public were standing still—were call'd in to perform that service which, as a public concern, cou'd not be dispens'd with. I have now to inform your Grace that with the few laborers we have been able to collect thro' these means, and such artificers as we can hire, we are now erecting, in each of the towns of Sydney and Parramatta, a strong log prison, for the security of turbulent and disobedient persons. These are works which have been wanted from the beginning, but on account of the relax'd discipline which private speculation and traffic has occasion'd, is more so now than it ever was, more particularly since it has been found necessary to send to this country such horrid characters as the people call'd Irish Defenders, who, I confess, my Lord, I wish had been either sent to the coast of Africa, or some place as fit for them.

Altered
conditions of
convict labour.

We are also erecting upon the high ground over Sydney a strong substantial and well-built windmill with a stone tower, which will last for two hundred years, and we are preparing materials for another such at Parramatta. These two mills, when finish'd, will occasion a saving considerable by issuing flour instead of grain.

Windmills to be
erected.

The brick buildings, barracks, storehouses, and officers' dwelling-houses have been some time past in a state of rapid decay and crumbling to ruins; to rebuild such another set would be attended with great expence. This decay has been occasion'd by the want of lime or proper cement in the beginning. We have

Repairs to
public
buildings.

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12 Nov.

now a gang of people employ'd collecting sea-shells, which we find all round the harbour in considerable quantities; these we burn to lime, and are repairing and complet'ly covering all the brick build'gs, so as to ensure their lasting at least twenty years to come; this work I expect will be nearly finish'd by the end of this year.

Regulations for
the town of
Sydney.

To prevent as far as it is possible the repeated robberys which are so continually committing amongst us, I am now arranging the inhabitants of this town of Sydney, which is a mere sink of every species of infamy, into divisions, and shall have the different houses number'd and a register kept of the people inhabiting each. We shall have watchmen chosen from amongst the inhabitants to guard during the night their respective divisions, and a constable will also be chosen who shall have proper instructions. This regulation I propose shall take place in every district of the colony. We have also numbered, and register'd our boats, which are many and are necessary, but even amongst them robberys have been committed.

Crime in the
colony.

Our gaols, my Lord, I am sorry to say, are at this time quite full, many for robberys, a number for different and shocking murders, and some for plundering the public provision stores.* I am concern'd to add that with the latter it appears some of the sentinals on duty have been concern'd. the very men who have the care of our most valuable stores. I must do justice to their present commanding officer in saying that he is strict, and will not easily pass over such a breach of orders and of discipline. I shall in a short time convene a Criminal Court for the trial of those offenders. I trust, my Lord, that before another year shall elapse we shall have such regulations establish'd over this settlement as may render the task of commanding here less difficult to those who may follow than I have found it, and am hopefull, however we may differ, that it may not be consider'd necessary to abolish every regulation which I am endeavouring to establish, but only to amend and make them more perfect.

Johnston and
Balmain
commended.

Were I to omit, whilst on this subject, to acknowledge my obligation to Captain Geo. Johnston, of the New South Wales Corps, formerly of the marines, an old and kind acquaintance, and to Mr. Wm. Balmain, the principal surgeon, for their indifatiguable exertions in forwarding my best endeavours to bring out of a mass of confusion some kind of order, I shou'd be unjust; those gentlemen saw the difficulty I labor'd under for want of that assistance so highly necessary in our situation, and came forward like good officers and offer'd me theirs. I appointed

Capt. Johnston my aide-de-camp. Mr. Balmain is an active and spirited magistrate, but his assistance to me is not confin'd to that duty only.

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Our present crops promise an abundant harvest, which will begin about three weeks hence.

The Prince of Wales, storeship, by which I forward this, arriv'd here the 2d instant. We are now unloading her. She parted company with the other storeship, Sylph, off the Cape De Verd Islands; we look daily for her arrival. Shipping.

Your Grace will, I doubt not, after considering the public works in hand and the many yet wanting, together with our deficiency of strength, see the impossibility of my attempting anything in agriculture at present on the part of the public.

I have reason to hope that your Grace will not condemn me for the liberty I take in observing that the duty of Capt. Johnston, as my aide-de-camp, is now very great, and requires much activity. As I am uncertain whether anything can be allow'd him for that extra duty, I hope I may be excused for taking the liberty to recommend to your Grace his son (George Johnston) for an ensigncy in the N. S. Wales Corps. He is young, but well-grown, and his father is capable of making him a good soldier. He is at present with him. George Johnston.

Allow me to say, my Lord, that we labour under vast inconvenience for want of every kind of tools, and we are getting very deficient in slop cloathing.

I trust from what I have said your Grace will be satisfied that very few steps which can under our present circumstances be taken for the public good have escap'd my attention. To know that such is your Grace's opinion will be highly gratifying to

Yours, &c.,
JNO. HUNTER.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

20th September, 1795.

Government
and General
Orders *re*

Parole—Navy. Countersign—Army.

WHEREAS it has been represented to His Excellency the Governor that an anonymous writing of an inflammatory and seditious tendency has been found affixed to one of the posts of the Boat house, on the morning of the 15th instant, and such a writing being a direct breach of His Majesty's Peace, and evidently tending to subvert the good order of this Government. Inflammatory
libels.

His Excellency is hereby pleased to make known his determination to punish with the utmost severity of the Law any person or persons who shall be convicted of having advised, written, or published the said paper or any paper of a like tendency which may be written or published hereafter in this Settlement.

23rd September, 1795.

1796.
12 Nov.

Parole—Portsmouth. Countersign—Plymouth.

Orders *re*
General muster.

A GENERAL Muster will be held on Saturday next, the 26th instant, at Sydney; on Thursday, the 1st of October, at Parramatta and Toongabbe; and on Saturday, the 3rd of October, at the settlement at the Hawkesbury,—at which places the Commissary will attend for the purpose of obtaining a correct account of the numbers and distribution of all persons (the military excepted) in the different afore-mentioned settlements, whether victualled or not victualled from the publick stores.

Notice is hereby given to all persons concerned to attend, that every man may be accounted for; and such as neglect complying with this order will be sought after and be either confined in the cells, put to hard labor, or corporally punished.

The sick will be accounted for by the Principal Surgeon, and officers' servants by their masters.

29th September, 1795.

Parole—Edinburgh. Countersign—Leith.

Rearing and
preservation of
live stock.

His Excellency the Governor recommends it to all persons who have lands in cultivation to plant as much of them as may not be under any other grain with Indian corn, and this being the proper season for putting it into the ground, he hopes no one will lose the opportunity, particularly as it is an essential article in the nourishment of live stock, the increase of which is of such importance to the settlement that he cannot but advise the utmost care and œconomy in the use of what may now and hereafter be in the possession of settlers and other persons.

2nd October, 1795.

Parole—Supply. Countersign—Norfolk.

Encouragement
to settlers.

IN addition to the Order of the 29th ult'o, recommending to settlers and other persons to plant their grounds with Indian corn, the Governor thinks it necessary to assure them that the Commissary will be directed to receive into his Majesty's stores all such surplus grain as may be brought thither by them in good merchantable condition.

Passes required
from town to
town.

As great evils have arisen from the frequent passing and repassing of many idle and disorderly persons between this place and the settlements to the westward of it, in order to check such a nuisance as much as possible, the constables and watchmen of the districts of Sydney, Parramatta, Toongabbe, and the Hawkesbury are hereby directed to examine all male and female convicts and all suspicious persons whom they may find in either settlement not belonging thereto, and are authorized to confine them if not provided with a written pass, signed by the Judge-Advocate at Sydney, Lieut't Macarthur at Parramatta, or officer commanding at the Hawkesbury; and as such passes will not be refused where there is sufficient reason for granting them, any person who is taken up for not having one will be punished.

3rd October, 1795.

1796.
12 Nov.

Parole—Broughton. Countersign—Nootka.

His Majesty's ship Supply will sail in the course of ten days for Norfolk Island. This information is given that the commanding officer of the New South Wales Corps may take such steps as he shall think necessary for relieving the officers and men of the detachment of the regiment now on duty in that settlement, which he has represented as necessary to take place.

Orders re
Military reliefs.

7th October, 1795.

Parole—Arthur. Countersign—Phillip.

The public Service at the Settlements at Parramatta and Toongabbe requiring the Inspection and Superintendence of an Officer; His Excellency is pleased to Continue Capt. John McArthur in the situation of Inspector of the public Works at those places to which he was appointed by Lieutenant-Governor Grose.

Captain
Macarthur.

9th October, 1795.

Parole—Lincoln. Countersign—Norfolk.

THE Commissary is directed to issue the following rations weekly until further orders, viz.:—

Rations.

To the Civil, Military, Free Settlers, and People serving in the Stores.

Flour	...	...	...	...	...	6 lb.
Beef	...	...	...	...	...	4 lb. 10 oz. 2-3rd or
Pork	...	...	...	...	...	2 lb. 10 oz. 2-3rd
Maize in cob	...	...	...	...	...	6 lb.
Rice, dholl, or pease	...	...	...	...	...	3 pints.
Sugar	...	...	...	...	...	6 oz.

To Settlers from Prisoners and Male Convicts.

Flour	...	...	...	...	...	4 lb.
Beef	...	...	...	...	...	4 lb. 10 oz. 2-3rd. or
Pork	...	...	...	...	...	2 lb. 10 oz. 2-3rd
Maize in cob	...	...	...	...	...	12 lb.
Rice, dholl, or pease	...	...	...	...	...	3 pints.
Sugar	...	...	...	...	...	6 oz.

Women and children of each class in proportion.

In consequence of the above ration being directed to be issued, the time for labor will be regulated as follows, until further orders:—From daylight until ten o'clock in the forenoon, and from two o'clock in the afternoon until sunset.

Hours of labour.

15th October, 1795.

Parole—Dublin. Countersign—Camden.

THE report of the late General Muster having been laid before the Governor, his Excellency has directed the following to be the assistance given by Government to settlers and other persons holding grants of land:—The officers who occupy ground will retain the number of men allowed them by Lieutenant-Governor Grose, viz., 10 for agriculture and 3 for domestic purposes; to the settlers who arrived in the Surprise, 5; to superintendants, constables, and storekeepers, 4; to settlers from free people, 2; to settlers from prisoners, 1; to serjeants of the New South Wales Corps, 1.

Encouragement
to settlers

1796.
12 Nov.
Orders *re*

And as much inconvenience is felt, and the end for which Government parts with the services of the convicts to individuals liable to be defeated by the servants of settlers not residing at their farms, they are hereby enjoined and directed to prevent as much as possible their servants from having any intercourse with the towns in their neighbourhood; and any servant belonging to a farm who shall after this Order be found absent therefrom, either during the day or night, without the knowledge and consent of his master, will be punished.

Artificers
required for
public labour.

Should there be any artificers amongst the convicts employed by the officers or settlers, they will include them amongst those whom they may have to discharge as supernumeraries, according to the above arrangement; and all supernumerary servants, together with all male convicts at present employed by persons not entitled thereto, are to be immediately returned to public labor, and their names sent to the Commissary.

18th October, 1795

Parole—Embarkation. Countersign—Norfolk.

Military reliefs. THE detachment of the New South Wales Corps intended for Norfolk Island will embark at ten o'clock this afternoon, at which time the boats of his Majesty's ship Supply will attend at the wharf on the west side to convey them on board that ship.

22nd October, 1795.

Parole—Successful. Countersign—Harvest.

Public nuisances IT having been represented to the Governor that the people who have been allowed to occupy huts on each side of the stream which supplies the town of Sydney have opened the paling and made paths to the water from each hut, and have built pigsties at the rear of them, by which in rainy weather a quantity of filth must run into the stream, his Excellency thinks it necessary to give this notice: That, after this Order, any person found using a path from the house to the stream, or keeping hogs in the neighbourhood thereof, or opening a passage through the paling, will be removed, and the house pulled down.

6th November, 1795.

Parole—Ireland. Countersign—Great Britain.

Assembling of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate, two officers from His Majesty's Ship Reliance, and four officers of the New South Wales Corps will assemble to-morrow, the 7th instant, at 10 o'clock in the forenoon for the trial of such prisoners as may be brought before it.

10th November, 1795.

Parole—Landing. Countersign—Provision.

Assistance for
public service.

SOME additional assistance being required to clear the Store Ship, two able men from each farm having ten are to be immediately sent in for that purpose; they will be restored as soon as the provisions are stowed.

13th November, 1795.

Parole—Mewstone. Countersign—Eddistone.

1796.
12 Nov.

THE Garrison to be under arms to-morrow at 12 o'clock in the forenoon for the purpose of attending the execution of the prisoners now under sentence of death. Orders *re* Military.

14th November, 1795.

Parole—Caledonia. Countersign—Albion.

THE prisoners William Smith and Abraham Whitehouse* having earnestly requested to be allowed the respite of another day, the execution of their sentence, which was to have taken place at twelve o'clock, is deferred until that hour on Monday next, the 16th instant, at which time they will suffer. The garrison, therefore, will be under arms on Monday next, at twelve o'clock, for the purpose of attending the execution of the said William Smith and Ab'm Whitehouse. Military.

16th November, 1795.

Parole—Justice. Countersign—Mercy.

THE Governor hopes that neither the example which he has this day found himself compelled to make, nor the lenity he has shewn, will be without their effect. It would always be more grateful to him to spare than to punish, but he feels it necessary at this moment to declare that if neither the justice which has been done, nor the mercy which has been shewn, tend to lessen the perpetration of offences, it is his determination in future to put in execution whatever sentence may be pronounced by the Court of Criminal Judicature on offenders. Remission of punishments.

17th November, 1795.

Parole—Sobriety. Countersign—Industry.

THE Commissary is directed to issue the following ration weekly until further orders, viz.:—Rations.

To the Civil, Military, Settlers from Free People, and People serving in the Stores.

Beef	...	...	...	...	...	...	7 lb. or
Pork	...	...	...	...	...	...	4 ..
Flour	...	...	...	...	...	...	4 ..
Maize in cob	...	...	...	...	...	...	12 ..
Rice, wheat, dholl, or pease	...	...	...	...	...	...	3 pints
Sugar	...	...	...	...	...	...	6 oz

To Settlers from Prisoners, and Male Convicts.

Beef	...	...	...	...	...	...	7 lb. or
Pork	...	...	...	...	...	...	4 ..
Flour	...	...	...	...	...	...	2 ..
Maize in cob	...	...	...	...	...	...	18 ..
Rice as flour	...	...	...	...	...	...	2 pints
Rice, dholl, or pease	...	...	...	...	...	...	3 ..
Sugar	...	...	...	...	...	...	6 oz

Women and children of each class in proportion.

1796. 12 Nov.	The hours of labor are until further orders to be regulated as follows:—					
Orders <i>re</i> Hours of labour.	From daylight until 8 o'clock	...	...	...	...	Labor
	From 8 o'clock until 9	...	...	...	...	Rest
	From 9 until $\frac{1}{2}$ -past 11	...	...	...	...	Labor
	From $\frac{1}{2}$ -past 11 until 1 o'clock	...	...	...	...	Rest
	And from thence until sunset	...	...	...	...	Labor

24th November, 1795.

Parole—Mount Taurus. Countersign—Pasture Plains.

Rations.

THE commanding officer of the New South Wales Corps having represented to the Governor the hard duty which has lately fallen upon the regiment, and requested in consequence thereof that a full ration of provisions might be issued to them, instead of that ordered on the 17th instant [*blank in MS.*], but it is necessary to acquaint them that the quantity of flour in the public stores will not admit of its being continued for any length of time, viz:—

To the Civil, Military, Settlers from Free People, and People serving in the Stores.

Beef	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	4 "
Flour	...	...	...	...	...	...	7 "
Rice	...	...	...	...	...	...	$\frac{1}{2}$ "
Pease	...	...	...	...	...	...	3 pints
Sugar	...	...	...	...	...	...	6 oz.

To Settlers from Prisoners, and Male Convicts.

Beef	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	4 "
Flour	...	...	...	...	...	...	4 "
Rice	...	...	...	...	...	...	$3\frac{1}{2}$ "
Maize in cob	...	...	...	...	...	...	6 "
Sugar	...	...	...	...	...	...	6 oz.

The hours of labor are to continue as before directed.

25th November, 1795.

Parole—Aberdeen. Countersign—Montrose.

Preservation of
live stock.

SEVERAL hogs, the property of individuals, having been lately killed, in pursuance of the Order of the 17th of February, 1795, such loss being greatly felt by the owners, as well as detrimental to the increase of that kind of stock: His Excellency is pleased to direct that instead of their being fired at, any hogs found trespassing either on public or private grounds or gardens are to be immediately seized and taken to the Provost-Marshal, by whom (if the damage done by them, which is to be ascertained before a magistrate, is not paid within twenty-four hours or security found) they are to be delivered to the Commissary as public property, and the damage paid as far as the value of the animal will admit.*

27th November, 1795

Parole—Harvest. Countersign—Home.

Wages

IT being necessary to establish the rate of a daily labourer's wages for reaping, the Governor, to encourage industry, as to discourage

every attempt at imposition (which he has been informed has been designed to be practized by the reapers at the approaching harvest), thinks proper, on comparing with the usual price fixed in England, to direct that ten shillings, and no more, shall be demanded for reaping an acre of corn; and any settler who shall be proved to have given or offered more will be refused any future assistance from Government.

1796
12 Nov.
Orders *re*

30th November, 1795.

Parole—St. Andrew. Countersign—St. George.

A CIVIL Court of Judicature will be assembled on Thursday next, the 3rd of December, at 10 o'clock in the forenoon, of which all persons having any business to do before the said Court are to take notice.

Sitting of civil court.

2nd December, 1795.

Parole—Deal. Countersign—Canterbury.

The Francis Colonial Vessel will sail for Norfolk Island on or about Sunday the 6th Instant.

The Francis.

8th December, 1795.

Parole—Lowestoft. Countersign—Yarmouth.

THE quantity of useful timber which has for some time past been indiscriminately cut down upon the banks of the Hawkesbury and the creeks running from it, and which has been wasted or applied to purposes for which timber of less value might have answered, it is hereby strictly ordered that no timber whatever be cut down on ground which is not marked out or allotted to individuals on either of the banks or creeks of the afore-mentioned river. And in order to preserve as much as possible such timber as may be of use either for building or for naval purposes, the King's mark will be forthwith put on all such timber, after which any person or persons offending against this Order will be prosecuted. This Order extends only to grounds not granted to individuals, there being a clause in all grants from the Crown expressly reserving for the use thereof such timber as may be growing, or to grow hereafter, upon the said land which may be deemed fit for naval purposes.

Preservation of timber.

18th December, 1795.

Parole—Integrity. Countersign—Confidence.

IT having been reported to the Governor that some person or persons who have been permitted to keep arms for the protection of themselves and property have lately employed that indulgence in an attempt to destroy the cattle belonging to Government which had strayed from this place a few years ago, and as the preservation of that stock is of the utmost importance to this colony at large, the Governor has ordered this public notice may be given, that if it shall be discovered that any person whatever shall use any means to destroy or otherwise annoy the above-mentioned cattle they will be prosecuted with the utmost severity of the law: And it is hereby made known that if any person shall be acquainted with any others who may have acted in direct disobedience of this public Order, and shall not immediately make the same known to the Judge-Advocate, at Sydney, or Captain Macarthur, at

Preservation of live stock.

1796.
12 Nov.
Orders *re*

Parramatta, so that the offender may be forthwith secured and brought to trial, such person will be considered as an accomplice and immediately imprisoned; but if any person shall know of an attempt being made for the destruction of any part of the above stock, and shall without loss of time give information thereof so that the offender may be prosecuted to conviction, he shall be entitled to such reward as from his diligence in this respect he may be considered to have merited.

22nd December, 1795.

Parole—East Indies. Countersign—Bengal.

Reduction of
prices in grain
and pork.

ALTHO' it has hitherto been the intention and the practice of Government to give every possible encouragement to settlers and others who have employed themselves in growing corn, by taking off their hands all their surplus grain at such prices as was thought fair and equitable at the time they were settled, it is not, however, to be expected as the colony advances in the means of supplying itself with bread that such heavy expences can reasonably be continued. The Governor has judged it necessary to recommend it to those who are employed in farming to consider what reduction of the price of wheat and Indian corn they are willing at present to submit to, as their offers in this respect will determine him how far it may be necessary in future to cultivate on the part of Government instead of taking or purchasing a quantity from individuals at so great a price. This proposal he thinks cannot be considered otherwise than fair and reasonable when it is recollected that the means by which individuals have so far improved their farms have arisen from the very liberal manner in which Government has given up the labor of so great a number of its own servants to assist the industry of others. If this does not produce the effect which the Governor hopes and expects by a reduction of the present high price of corn, he then thinks it his duty to propose that those who are assisted with servants from Government will at least undertake to furnish them with bread.

He thinks it also necessary to observe to those whose farms are situated upon the banks of the Hawkesbury, that Government having no granarys or storehouses in that district, that the expence attending the bringing of their grain to this part of the settlement renders it absolutely necessary that they do lower their prices, otherwise Government will not be at that expence, but expect that they will bring their surplus corn to market either at Sydney or Parramatta, where Government may have a store to receive it, and where only the Commissary can be permitted to purchase it.

29th December, 1795.

Parole—Flushing. Countersign—Falmouth.

Serving of slop
clothing.

It is intended that on Saturday next there shall be a general serving of such slops as the store can afford to the male and female convicts and to the settlers who are still dependant on the Public Store.

9th January, 1796.

1796.
12 Nov.

Parole—Reading. Countersign—Berkshire.

THE service requiring that a captain should command the detachment of the New South Wales Corps on duty at Norfolk Island, the commanding officer of that regiment will cause a captain to embark on board his Majesty's ship *Reliance* for that purpose. Whatever arrangements he may think it necessary to make on this occasion must be completed by the 15th instant, as the 18th is fixed for her departure.

Orders *re*
Military
appointments.

13th January, 1796.

Parole—Nova Scotia. Countersign—Halifax.

THE price of wheat for this season is fixed at ten shillings per bushel, it appearing to the Governor, from the representations of the settlers of several districts, that for this year they cannot sell it under that price; but he wishes them to understand that a reduction is intended to be made in the ensuing season, unless some unforeseen and unavoidable circumstances should prevent him.

Encouragement
to settlers.

The Commissary will, from Monday next, the 18th instant, purchase and receive into the public stores, from settlers and other persons, wheat properly dried and cleaned, at the above price.

16th January, 1796.

Parole—Carnigy. Countersign—Northesk.

MONDAY next, the 18th instant, being the day appointed to be observed as the anniversary of her Majesty's birthday, the New South Wales Corps will parade and fire three volleys at 12 o'clock.

Military.

20th January, 1796.

Parole—Norfolk. Countersign—*Reliance*.

ALL settlers and other persons (the civil and military officers excepted) who are in possession of firearms are hereby ordered forthwith to give in their names to the Commissary, or storekeepers at the different settlements, in order to their being registered; and the constables of the different districts are to apprehend all persons they may meet carrying arms without a certificate signed by the Commissary, of such arms having been registered in his office.

Registration of
firearms.

Any settler who may be in want of arms for his protection, and can give information of any person not complying with this Order, will have such arms registered in his name.

23rd January, 1796.

Parole—Diligence. Countersign—Sobriety.

APPLICATION having been made to the Governor by individuals who appear to have prepared materials for the purpose of distilling spirits, desiring his Excellency's permission to carry into execution their preconceived design of making and vending spirit, the quality of which is of so poisonous a nature as must in a very short time ruin the good health of the settlement: So iniquitous and dangerous a practice being not only in direct disobedience of his Majesty's command, but destructive to the welfare and prosperity of the colony in general: It is hereby ordered in the most determined

Illicit distilling.

1796.
12 Nov.

Orders *re*

manner that no person or persons do, on any pretence whatever, attempt the distilling of spirituous liquors of any kind or quality, on pain of such steps being taken for their punishment as will effectually prevent the repetition of so dangerous an offence.

The constables of all the different districts, as well as all other persons whose duty it is to preserve order, are hereby strictly enjoined to be extremely vigilant in discovering and giving information where, and in whose possession, any article or machine for the above purpose now is or may hereafter be erected in opposition to this Public Order.

N.B.—Information on this subject to be given to the nearest magistrate, who is hereby desired to give the earliest information to the Judge-Advocate, at Sydney.

25th January, 1796.

Parole—Hawkesbury. Countersign—Francis.

Public
nuisances.

It having been represented to the Governor that notwithstanding the Order of the 22nd October, strictly forbidding those who occupy huts near the stream of fresh water that supplies the town of Sydney from pulling down paling or keeping pigs near that stream, there are some who, in open defiance of that Order, do not only open the paling, but with dirty vessels take the water they want above the tanks, and thereby disturb and thicken the whole stream below, the Governor thinks it necessary to give this information to every description of people that he expects when an Order is given it is to be obeyed. If, therefore, any person is hereafter known either to pull down or open the paling round the stream, or to dip their water above the tanks, they will be immediately confined and punished in such manner as their disobedience of this Order shall deserve.

26th January, 1796.

Parole—Boston. Countersign—Bengal.

Assistance for
public service.

As the expeditious unloading the storeship* which is arrived here will require the assistance of a greater number of people than we at present have at public labor, it is the Governor's directions that three men from each farm having ten, be immediately sent in for this purpose, who will be returned to their farms as soon as this work is completed.

29th January, 1796.

Parole—Hotham. Countersign—Royal George.

Desertion and
vagrancy.

THE many robberies which have lately been committed render it necessary that some steps should be taken to put a stop to a practice so destructive of the happiness and comfort of the industrious. And as it is well known that a fellow known by the name of Black Cæsar has absented himself some time past from his work, and has carried with him a musquet, notice is hereby given that whoever shall secure this man Black Cæsar and bring him in with his arms shall receive as a reward five gallons of spirits.

The Governor thinks it further necessary to inform those settlers or people employed in shooting; who may have been occasionally supplied with powder and shot, that if it shall be discovered hereafter that they have so abus'd the confidence placed in them as to

supply those common plunderers with any part of their ammunition, steps will be taken immediately for their punishment, as they will be considered accomplices in the robberies committed by those whom they have so supplied.

1796.
12 Nov.
Orders *re*

5th February, 1796.

Parole—Milbrook. Countersign—Cawsand.

[*The first two paragraphs of this order were sent as Enclosure No. 2 to the despatch No. 13 of Governor Hunter to the Duke of Portland, dated 10th August, 1796, and are here omitted.*]

The small quantity of flour remaining in the settlement renders it necessary to alter the ration to the following:—

To Soldiers and Free People.

Beef	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	4 lb.
Flour	...	...	...	...	...	...	4 lb.
Rice	...	...	...	...	...	...	3 lb.
Wheat	...	...	...	...	...	...	3 lb.
Pease	...	...	...	...	...	...	3 pints
Sugar	...	...	...	...	...	...	6 oz.

To Convicts.

Beef	...	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	...	4 lb.
Flour	...	...	...	...	...	...	2 lb.
Rice	...	...	...	...	...	...	4 lb.
Wheat	...	...	...	...	...	...	3 lb.
Maize	...	...	...	...	...	...	4 lb.
Sugar	...	...	...	...	...	...	6 oz.

Women and children in proportion.

7th February, 1796.

Parole—Port Royal. Countersign—Jamaica.

THE Commanding Officer of the New South Wales Corps will direct that a Subaltern's Guard do mount until further orders.

Mr. Henry Brewer, the Provost-Marshal, being unwell, Mr. Thomas Smyth is directed to do the duty of Provost-Marshal during Mr. Brewer's indisposition.

Military.
Civil
appointment.

8th February, 1796.

Parole—Respect. Countersign—Obedience.

THE recent conduct of that part of the New South Wales Corps doing duty at Sydney having been turbulent beyond example, and a daring violation of the public peace of this settlement, as well as dangerous to the lives and dwellings of its inhabitants, and as from the scatter'd manner in which the soldiers live their general conduct cannot be so minutely inspected by their officers as we find from experience is requisite, the commanding officer will give directions that as soon as the barracks can be repair'd they do in future occupy them, instead of sleeping in huts at a distance from them, those buildings having been erected for that purpose. By this means they will be more immediately under the eye of their officers, who will, it is hoped, be able to prevent any such unmilitary conduct hereafter.

Mutinous
behaviour of
military.

1796.
12 Nov.
Orders *re*
Sitting of
criminal court.

12th February, 1796.

Parole—Marquis. Countersign—Cornwallis.

A COURT of Criminal Judicature, consisting of the Judge-Advocate, one officer of his Majesty's ship *Supply*, and five officers of the New South Wales Corps, will assemble on Monday, the 15th instant, at 10 o'clock in the forenoon, for the trial of such prisoners as may be brought before it.

13th February, 1796.

Parole—Duke. Countersign—Portland.

General court-
martial.

A GENERAL Court-martial is to assemble at 9 o'clock on Thursday morning, the 18th instant, for the trial of all such prisoners as may be brought before it.

New South Wales Corps—Members.

Captn. Willm. Paterson, President.

Captn. John McArthur.

Captn. John Townson.

Lieut. John Thomas Prentice.

Lieut. John Piper.

Ensign Neil McKellar.

Ensign James Hunt Lucas.

Captain David Collins, of the marines, to officiate as Deputy Judge-Advocate.

14th February, 1796.

[This order was forwarded as Enclosure No. 4 to the despatch No. 13 of Governor Hunter to the Duke of Portland, dated 10th August, 1796, and is here omitted.]

17th February, 1796.

Parole—Honour. Countersign—Worth.

Public service.

Those settlers who have not yet received any assistance of Men from Government are directed to give in their names and places of residence to the Judge-Advocate at Sydney or Capt. McArthur at Parramatta.

22nd February, 1796.

Parole—Esteem. Countersign—Veneration.

No encourage-
ment to be given
to natives.

THE frequent attacks and depredations to which the settlers situated on the banks of the Hawkesbury and other places are liable from the natives renders it indispensably necessary for the general security of the farmers and their families, as well as for the preservation of their crops, that they should upon all occasions of alarm mutually afford their assistance to each other by assembling without a moment delay whenever any numerous body of the natives are known to be lurking about the farms. By such an active attention to their own safety and interest there can be no doubts but that the visits of those people would be less frequent than of late they have been, and many lives would thereby be preserved.

It is therefore hereby expected and ordered by the Governor that all the people residing in the different districts of the settlement, whether the alarm be on their own farms or any other person's, do upon such occasions shew the most scrupulous atten-

tion to this direction, in order that those frequent murders and robberies may be prevented. If it shall hereafter be known that any settler or other person do withdraw or keep back their assistance from those who may be threatened or in danger of being attack'd, they will be proceeded against as persons disobeying the rules and orders of the settlement; and the settlers are hereby strictly enjoined to report all such persons as may offend herein. It is proper here also to signify that it is his Excellency's positive injunction to the settlers and others who have firearms that they do not wantonly fire at or take the lives of any of the natives, as such an act would be considered a deliberate murder, and subject the offender to such punishment as (if proved) the law might direct to be inflicted.

1796.
12 Nov.

Orders *re*

Wanton murder
of natives.

It has been intimated to the Governor that there have been frequently seen amongst the natives two white men, who, it is known, have absconded from their duty, and who, it is believed, direct and assist in those acts of hostility by which so many have suffered. It is therefore recommended to all persons in the settlement who have known and have heard of the white men above mentioned, and particularly to the settlers who are so much annoyed by them, that they do use every means in their power to secure them, that they may be so disposed of as to prevent their being hereafter troublesome or dangerous.

Vagrants.

The Governor takes this opportunity of strictly forbidding the settlers from giving any encouragement to the natives to lurk about their farms. There can be no doubt but that had they never met with the shelter which some have afforded them they would not at this time have been so very troublesome and dangerous.

The General Court-martial, of which Capt. William Paterson is President, is dissolved.

Court-martial.

26th February, 1796.

Parole—Mildness. Countersign—Clemency.

THE New South Wales Corps to be under arms at 6 o'clock to-morrow morning, at which time the sentence of the General Court-martial, held on the 18th and 19th instant, on Joseph Draper, private in Major Nepean's company of the same corps, is to be put in execution.

Military.

27th February, 1796.

Parole—Opinion. Countersign—Sentiment.

Richard Fitzgerald is appointed Superintendent of Convicts in the Districts of Parramatta and Toongabbe, commencing on the Tenth Day of September, 1795.

Appointment of
Fitzgerald.

29th February, 1796.

Parole—Friendship. Countersign—Confidence.

CAPT. John McArthur, of the New South Wales Corps, having signified to the Governor that the various duties on which he was liable to be called renders it difficult for him to pay that attention to those of his appointment as Inspector of Public Works which the situation required, and on that account requested permission to resign the appointment:

Civil
appointments.

His Excellency has therefore thought fit to nominate Richard Atkins, Esq., to perform that duty until further orders.

1796.
12 Nov. Parole—Salem. Countersign—Boston.
- Orders *re* A GENERAL muster will be held on Saturday the 12th instant at
General muster. Sydney, on Thursday the 17th at Parramatta, and on Saturday
the 19th at the settlement at the Hawkesbury, at which places the
Commissary will attend for the purpose of obtaining a correct
account of the numbers and distribution of all persons (the military
excepted) in the different aforementioned settlements, whether
victualled or not victualled from the public stores.
- Notice is hereby given to all persons concerned to attend, that
every man may be accounted for; and such as neglect complying
with this Order will be sought after and either confined in the
cells, put to hard labour, or corporally punished.
- The sick will be accounted for by the Principal Surgeon, and
officers' servants by their employers. Previous to the muster each
officer, settler, or other persons having men in their service, whether
allowed by Government or hired by themselves, are to give in a
return of their names to the Commissary at Sydney, and the
different storekeepers at the other districts.
-
- 7th March, 1796.
- Parole—Gidley. Countersign—King.
- Remission of His Excellency the Governor is pleased to remit the remainder of
punishment. the punishment which was sentenced by the late General Court-
martial to be inflicted on Joseph Draper.
-
- 9th March, 1796.
- Parole—Regularity. Countersign—Discipline.
- Military. THE Commanding Officer of the New South Wales Corps, will direct
the Order delivered on the 8th of last Month to the Main Guard
to be observed instead of any former Orders.
-
- 17th March, 1796.
- Parole—Fair. Countersign—Wind.
- Military His Majesty's Ship Supply will sail for Norfolk Island in the
appointment. course of Six or Seven days. The Commanding Officer of the New
South Wales Corps will direct that a Subaltern Officer may be in
readiness to embark for that Island in the room of Lieut. Clephan
who has returned to this place for the recovery of his health.
-
- 22nd March, 1796.
- Parole—Industry. Countersign—Sobriety.
- FROM the frequent state of inebriation in which great numbers of
the lower order of people in these settlements have for some time
past been seen, there is much reason to suspect that a greater
quantity of spirituous liquors has been landed from the different
ships which have enter'd this port than permission had been
obtained for, it becomes highly necessary to put a stop, as early as
possible, to a practice so pregnant with every possible mischief.
- The Governor has therefore judg'd it necessary, the more
effectually to suppress the dangerous practice of retailing spirits,
to desire the aid of all officers, civil and military, and in a par-
- Sale of
spirituous
liquors.

ticular manner all magistrates, constables, &c., as they regard the good of his Majesty's service, the peace, tranquility, and good order of the colony, that they use their utmost exertions for putting an end to a species of traffic from which the destructions of health and the ruin of all industry may be expected, and that they do endeavour to discover who those people are, who, self-licensed, have presumed to open public-houses for this abominable purpose.

The Governor also informs those who may, after the publication of this Order, be daring enough to continue to act in opposition to its intention, that their house shall be pulled down as a public nuisance, and such other steps will be taken for their farther punishment as may be judged necessary.

1796.
12 Nov.
Orders *re*

26th March, 1796.

Parole—Hull. Countersign—Humber.

MANY complaints having been made that the hogs belonging to people who inhabit the town of Sydney have been permitted by their respective owners to range at large without even attending to the precaution of having rings and yokes upon them, through which inattention much damage has been done to many of the gardens:

Public
nuisances.

It becomes necessary, therefore, to inform those who are in possession of such destructive animals that it is expected they either shut them up altogether or contrive to have them watched and attended whilst they are out, and that they are not hereafter seen without rings and yokes, otherwise such orders will be given as may prove effectual in preventing the mischiefs which they are daily committing.

7th April, 1796.

Parole—Winter. Countersign—Clothing.

THE Commissary will issue on Saturday next, the 9th instant, the following articles of cloathing, viz. :—

Issue of
clothing

To Men.

- 1 jacket.
- 1 waistcoat.
- 1 pair of breeches.
- 1 shirt.
- 1 hat.
- 1 p'r of shoes.
- 1 p'r of stockings.

To Women.

- 1 jacket.
- 1 petticoat.
- 1 shift.
- 1 p'r of shoes.
- 1 p'r of stockings.
- 1 cap.
- 1 handkerchief.
- 1 hat.

And as it has been too much the practice of the convicts to sell the cloathing they receive from Government as soon as it has been issued to them, it is necessary to give this public notice, that whoever shall be proved to have either sold or otherwise made away with any of the above articles, both the buyer and seller or received thereof will subject themselves to corporal or other punishment.

Sale of slop
clothing.

4th May, 1796.

Parole—Indispensable. Countersign—England.

HIS Excellency the Governor has been pleased to appoint, by warrant bearing date the first day of April, 1796, Mr. D'Arcy

Civil appoint-
ments.

1796.
12 Nov.
Orders *re*
- Wentworth to be an assistant surgeon at the General Hospital, in the room of Mr. Saml. Leeds, permitted to return to England for the recovery of his health.
- 12th May, 1796.
- Parole—Sussex. Countersign—Essex.
- Assistance for public service. Two men from each farm are to be sent in for the purpose of unloading the Britannia, storeship, which service is to commence on Monday next.
- 13th May, 1796.
- Parole—Suffolk. Countersign—Norfolk.
- Military. THE New South Wales Corps to be under arms to-morrow at twelve o'clock in the forenoon, for the purpose of attending the execution of the prisoner now under sentence of death.*
- 14th May, 1796.
- Parole—Northampton. Countersign—Southampton.
- Military. THE New South Wales Corps not to be under Arms until further Order.
- 22nd May, 1796.
- Parole—Newcastle. Countersign—Durham.
- Rations. THERE being but a small quantity of flour remaining in the public stores, none of that article will be issued to the prisoners on Saturday next, in lieu of which they will receive an addition of three pounds of wheat; the other articles of the ration to them and to the military and free people remain as directed on the 5th of February.
- 2nd June, 1796.
- Parole—Fidelity. Countersign—Loyalty.
- Military. THE New South Wales Corps will parade at Twelve O'clock on Saturday next the 4th Instant and fire three Vollies in Honor of His Majesty's Birthday.
- 4th June, 1796.
- Parole—Long Live. Countersign—The King.
- Remission of punishment. HIS Excellency the Governor is pleased to pardon and release such prisoners as are now confined in the cells.
- 8th June, 1796.
- Parole—Labour. Countersign—Assistance.
- The Britannia. THE Britannia being nearly unloaded, the Men required from each Farm for that purpose, should be returned, but are detained to procure Thatch for the temporary Store now erecting.
- 12th June, 1796.
- Parole—Island. Countersign—Norfolk.
- The Francis. THE Francis Colonial Schooner will sail for Norfolk Island on or about Sunday the nineteenth Instant.
- 15th June, 1796.
- Parole—Honor. Countersign—Integrity.
- Grain receipts. WHEREAS from the present extraordinary mode of suffering the receipts issued by the different storekeepers for grain delivered into

his Majesty's stores to pass current in this colony for the value of the quantity of grain therein expressed, much inconvenience has been felt, as well as a possibility of much fraud and imposition being practized upon Government: It is hereby made known that no receipts of this kind are to pass current hereafter; but the persons in whose favor they may be drawn are to lay them before the Commissary, and receive from him a note for the amount thereof, no other person whatever within this colony being authorized to issue notes payable by Government.

1796.
12 Nov.
Orders *re*

18th June, 1796.

Parole—Navigation.

Countersign—Commerce.

THE number of people who have obtained licenses for the retailing spirituous liquors in moderation appear to the Governor to have already answer'd a purpose very different from that which he expected from them. Those licenses were granted for the purpose of preventing that continual state of intoxication in which many of the settlers and others employed in farming seem disposed to indulge themselves; but instead of their answering that salutary end, he finds nothing but drunkenness and idleness throughout every part of the settlement amongst that description of people, and he is sorry to add that robberies appear more frequent now than formerly. The Governor has therefore judged it necessary to direct that none of those who have obtain'd licenses do presume to carry on a traffic with settlers or others who may have grain to dispose of, by paying for such grain in spirits. Should it be hereafter discovered that any have, in defiance of this order, carried on this destructive trade, they will immediately lose their license, and such other steps be taken for their punishment as the nature of the case may deserve. The Governor desires it may be understood that the trading with spirits to the extent which he now finds it practised is strictly forbidden to others as well as those who have licenced public-houses. The practice of purchasing the crops of settlers for spirits has too long prevailed in this settlement. It is high time that a trade so pernicious to individuals and so ruinous to the prosperity of his Majesty's colony should be put an end to. It is not possible that a farmer who shall be idle enough to throw away his labor for twelve months for the gratification of a few gallons of a poisonous spirit, and by which he is to be deprived of his senses for several days, can ever expect to thrive or enjoy those comforts which are only to be procured by sobriety and industry. Such a character will be considered as unfit for a settler. The assistance allowed him shall be withdrawn, and by leaving him to himself he will have less time to waste in drunkenness and riot.

Sale of spirituous liquors.

29th June, 1796.

Parole—Strength.

Countersign—Assistance.

THE many public buildings and other works which are at present so much wanted in different parts of the settlements render it absolutely necessary that the strength of the parties now employed on the public account should be augmented as much as possible, and there being no means left for the increase of the necessary gangs but by a reduction of the numbers hitherto allowed to the officers, civil and military, superintendants, and others: It is

Return of
Government
servants.

1796.
12 Nov.
Orders *re*

hereby directed that two men from each of the officer's farms, one from each superintendant, and one from every other person who may have been allowed three, be immediately discharged from their present situation, and ordered to public work; and that the names of those so discharged, as well as a list of those remaining with their former employers, be sent to the Judge-Advocate at Sydney, or to Mr. Atkins at Parramatta, noting particularly those who are maintained by Government, and those who are taken off the public stores.

And as many of the settlers in different parts of the colony have employed the assistance allowed them by Government in a manner very different from that for which it was granted them, and have in a variety of ways endeavoured to deceive and impose on Government, the Governor considers it high time to convince such idle and worthless characters that he will no longer suffer the practice of such imposition, but will immediately direct that such assistance be withdrawn, and the men be employed in the service of Government.

The Governor desires that the officers, &c., may understand it is not his intention to withdraw their men on this occasion without their entertaining a hope of having them replaced when the strength of the colony will admit of it. He means they should be returned unless he shall be otherwise directed.

5th July, 1796.

Parole—Lisbon. Countersign—Amsterdam.

Muster. A MUSTER of the female convicts who came out in the ships Marquis Cornwallis and Indispensable, and who are now residing in the district of the town of Sydney, is to be held on Saturday next, the 9th instant. Such as do not appear agreeable to this order will be removed from this place.

11th July, 1796.

Parole—York. Countersign—Hull.

Sale of spirit-
uous liquors.

SEVERAL Orders have lately been given out wherein, in consequence of the shameful excesses which had so often appeared in the use of spirituous liquors, the unlimited sale of that destructive article was strictly forbidden; and altho', for the convenience of the labouring people of the colony, the Governor has directed that licences for the sale of spirits in moderation should be given under the hand of the civil magistrates to such number of good characters as might be thought sufficient in each district, yet he is sorry to observe that the same disorder in every part of the colony does still prevail, and that disputes, quarrels, and a total inattention to industry are the fruits of this scandalous conduct amongst the settlers in various parts of the colony. The shocking consequences of the abominable practice of drinking to excess is too recent to require any other observation than merely reminding the people at large that two men have lost their lives by that violence which is but too frequently the effect of drunkenness. The Governor has judg'd it necessary to come to the resolution of depriving all those settlers whose conduct he has had but too much cause to be displeased with of that assistance which has been so long afforded them at the expence of Government, and of which they have made so very improper use, and to leave them to the exertion of

their own ability, agreeable to the notice he gave in his Order of the 18th June. He has observed with concern an imposition which he is determined to get the better of, viz. : Many of the settlers who were to have been maintained by Government for eighteen months only and who have been settled for two, three, and even four years, still continue a burthen upon the public store, notwithstanding the very liberal assistance they have had; it becomes, therefore, an act of justice, and a duty the Governor owes to the public, to order such persons to be erased from the victualling-books of the colony. Another observation the Governor thinks it may not be improper to make in this place—many of the settlers it is known have given every encouragement and shelter to worthless fellows who have deserted from the work of Government, or from those to whom their labour had been given. It is the Governor's determination, if it shall hereafter be discovered that any persons do offend in this way, such steps as may be necessary and proper for their punishment will be rigidly pursued; and it is hereby directed that all magistrates, constables, and other persons, as they value the good order of the colony, do use their best endeavours to detect this iniquitous practice and report the offenders.

1796.
12 Nov.
Orders re

Frequent visits will be made to the several districts by the magistrates for the purpose of settling all differences amongst the settlers or other persons, and the Governor is also determined to visit them as frequently as it may be in his power, in order that he may be able to judge from his own observation who are the most industrious characters, and what encouragement they may be deserving of from time to time, when it may be in the power of Government to assist them.

All those who are off the store are desir'd to give in their names immediately, and say where or by whom they are employed; those who have thought proper to take themselves off are ordered immediately to appear at Sydney or Parramatta, where they will be mustered and examined relative to their time of servitude. If they are regularly discharged from the Commissary's book they will receive a certificate, without which no settlers will be at liberty to employ them. Those who neglect complying with this Order will be considered as people who live by robbery, and will be taken up, immediately ordered to hard labor, as vagrants who have no visible or honest means of living.

Issue of
certificates.

12th July, 1796.

Parole—Norwich. Countersign—Leostaff.

THE detachment of the New South Wales Corps doing duty at Parramatta is to consist of a subaltern's party, on the relief of the present detachment, which is to take place on the 1st of August next.

Military relief.

13th July, 1796.

Parole—Portsmouth. Countersign—Southampton.

THE storekeepers at Parramatta and the Hawkesbury are directed to send to the Commissary, for the information of the Governor, a correct list of all the people, men, women, and children victualled from the public store in their respective districts. They are desired to be very exact and as expeditious as possible.

Returns.

18th July, 1796.

1796.
12 Nov.

Parole—St. Maure. Countersign—Cornwall.

Orders *re*

It having been represented to the Governor that there are several people in this settlement who employ themselves in building boats for any person who chose to employ them, and without having obtained any permission for such purpose, a liberty which has crept into the settlement in opposition to all former orders and regulations on this head; and as it is well known that notwithstanding the convenience attending the having boats for various uses in this extensive harbor many abuses have been practiced thro' their means, it is therefore hereby ordered that no person whatever do presume to build boats of any size or description without having obtained permission in writing, signed by the Governor for the time being, or such person as he shall authorize for that purpose. It is also ordered that all boats at this time in the possession of individuals be forthwith taken to the boatshed at Government wharf, where Mr. Paines, the master boat-builder, will have orders to cut a number on their stern, which number the owner is to keep painted or marked with white. Of the boats thus numbered, the Provost-Marshal will keep a register agreeable to a form which will be given to him. All boats, after a convenient time having been allowed, which may be found without being numbered by Mr. Paines will be liable to seizure.

Registration of
boats.

19th July, 1796.

Parole—Leith. Countersign—Edinburgh.

Public
nuisances.

REPEATED complaints having been made to the Governor that, notwithstanding his Order of the 26th of March last relative to the ringing and yoking of all hogs which were suffered to run loose, much damage has been done to the different gardens about Sydney by that destructive animal, and that they are now running loose in considerable numbers, the Governor has determined to give this caution only: That if in two days after the publication of this Order hogs are still found without rings and yokes he will issue an Order authorizing all persons within whose fences they may be found to shoot them.

21st July, 1796.

Parole—Shrewsbury. Countersign—Salisbury.

Hours of public
labour.

It having been lately observed by the Governor that the gangs employed on the public service are seldom or never seen in the afternoon, on enquiring into the cause of this shameful neglect on the part of the superintendants he has understood that they take it upon themselves to task the working people in such manner as they think proper, and upon no other authority than their own will. This Order is therefore given out to inform the superintendants generally that they are on no account to presume to give taskwork to any party whose labour is the public property without the knowledge of the Governor, who has perceived that the work of Government is wholly neglected, and the time of the prisoners applied to the use of private individuals. It is hereby strictly directed that the public gangs do work the time pointed out in the Order of the 17th of November last, viz.:—From daylight until 8 o'clock, labour; from 8 o'clock until 9, rest; from 9 until

half-past 11, labour; from half-past 11 until 1 o'clock, rest; and from thence until sunset, labour. And if it is known that any superintendant whatever do take the liberty of applying the time designed to be employed for the public to any other use or purpose, the Governor is determin'd instantly to dismiss him from his office as a man who cannot be relied upon, and they may rest assured that he will never replace any man who has proved himself unworthy the trust reposed in him.

1796.
12 Nov.
Orders *re*

25th July, 1796.

Parole—Justice. Countersign—Equity.

A COURT of Civil Judicature will be assembled on Wednesday next, the 27th instant, at ten o'clock in the forenoon, of which all persons having any business to do before the said Court are to take notice.

Sitting of
civil court.

29th July, 1796.

Parole—Abbey. Countersign—Church.

THERE not being any flour in the public stores except what is reserved for the use of his Majesty's ships Reliance and Supply, the Governor has directed the following ration to be issued weekly until further orders to the civil, military, and free people, viz. :—

Rations.

Beef	...	...	...	...	...	7 lb., or
Pork	...	...	...	...	...	4 lb.
Wheat	...	...	...	...	...	12 „
Pease	...	...	...	...	...	3 pints
Sugar	...	...	...	...	...	6 oz.

The ration to convicts remains as before.

31st July, 1796.

Parole—Francis. Countersign—Norfolk.

A RETURN of live stock in the possession of officers, settlers, and others in the several districts is to be given in as soon as possible to the Judge-Advocate.

Returns of live
stock.

Those officers who have farms are at the same time to send in an account of their cleared cultivated ground in each.

2nd August, 1796.

Parole—Honesty. Countersign—Truth.

A COURT of Criminal Judicature, consisting of the Judge-Advocate, three officers of his Majesty's ships, and three officers of the New South Wales Corps, is to assemble on Friday, the 5th instant, at ten of the clock in the forenoon, for the trial of such prisoners as may be brought before it.

Sitting of
criminal court.

7th August, 1796.

Parole—Melancholy. Countersign—Example.

THE New South Wales Corps to be under arms at twelve o'clock to-morrow in the forenoon, for the purpose of attending the execution of the prisoner under sentence of death.

Military.

10th August, 1796.

Parole—Brunswick. Countersign—Wales.

1796.
12 Nov.
Orders *re*
Military.

THE New South Wales Corps will parade at twelve o'clock on Friday next, the 12th instant, and fire three volleys in honor of the Prince of Wales's birthday.

18th August, 1796.

Parole—Lynn. Countersign—Norfolk.

Military relief.

THE commanding officer of the New South Wales Corps will direct a captain, 3 subalterns, 2 serjeants, 2 drummers, and 18 privates to be in readiness to embark on the 1st of September for Norfolk Island. They will proceed thither in one of his Majesty's ships.

25th August, 1796.

Parole—Rhode Island. Countersign—Newport.

Military.

AN Officer being dispensed with at the Main Guard, until the return of the Relief from Norfolk Island, that Guard will until further Orders consist of the same Number of Non Commissioned Officers and Privates as were mounted there previous to the General Order of the 7th of February last.

13th September, 1796.

Parole—Kent. Countersign—Maidstone.

Civil and mili-
tary appoint-
ments.

THE commanding officer of the New South Wales Corps will direct the detachment ordered on the 18th of last month to be in readiness for Norfolk Island to embark on Friday next, the 16th instant, on board his Majesty's ships Reliance and Supply.

His Excellency having been pleased to appoint Mr. Thomas Smyth to be Provost-Marshal of this territory, in the room of Mr. Henry Brewer, deceased, by warrant bearing date the 9th day of July last, William Stephenson is appointed storekeeper at this place in his room from this date.

Mr. Thos. Moore is appointed to the place of master boat-builder, in the room of Mr. Daniel Paine, commencing on the 2nd instant.

And Mr. George Barrington is appointed superintendant of convicts, in the room of Mr. Thomas Clark, returning to England, commencing on the 17th instant.

17th September, 1796.

Parole—Lynn. Countersign—Yarmouth.

Civil and mili-
tary appoint-
ments.

THE Governor is pleased to appoint Captain George Johnston, of the New South Wales Corps, to be his Aid-de-Camp until further orders.

The Reverend Richard Johnson and William Balmain, Esquire, are appointed the acting magistrates in the district of the town of Sydney.

Mr. James Williamson is to do duty of Commissary of Stores and Provisions during the absence of the Commissary.

26th September, 1796.

Parole—Liverpool. Countersign—Bristol.

Prevention of
robbery.

THE many robberies which have been and continue daily to be committed renders it necessary, for the safety and security of the

industrious and their property, that some effectual means shou'd be used to secure those pests to society who are continually employ'd in such depredations.

1796.
12 Nov.

Orders *re*
Assistance for
public service.

The Governor, therefore, has determined to erect in each of the towns of Sydney and Parramatta a strong log building for the security of all idle and worthless characters; and for the more readily and expeditiously completing such building it becomes necessary that every settler and housekeeper do furnish some part of the means by which those very necessary works are to be immediately finished. It is therefore expected and ordered that they do deliver in, at the place where the building is to be erected, ten logs weekly each, the logs to be 9 feet long, not under nor over 7 inches diameter, and that they are quite straight. The housekeepers and settlers will be furnished with a receipt for the numbers they send in. By this means the Governor will be enabled to judge of their attention to a measure principally meant for their security. The Governor thinks it also necessary to inform the officers who are furnish'd with labourers from Government that he expects from them twenty logs each. Those whose farms or places of residence are in the neighbourhood of Parramatta will deliver their proportion there, and those who are nearer to Sydney at that place.

30th September, 1796.

Parole—Berwick. Countersign—Tweed.

It is the Governor's directions, when the settlers, laboring people, &c., victualled by Government, receive their provisions at the store to-morrow, that they are inform'd it is expected every individual of the different messes do make their appearance at the victualling store on the following Saturday, Oct'r 8. No provisions will be issued for those who do not, or if any shall neglect to attend agreeable to this information immediate search will be made after them.

Issue of rations.

15th October, 1796.

Parole—Hibernia. Countersign—Caledonia.

It is the Governor's orders that all those laboring people who are out of their time and not employ'd on public work, and who have already received certificates that they are not victualled by Government, do bring in their certificates that they may be renew'd at the Commissary's office by Monday the 24th instant; and that those who have lately been discharged from the victualling-books without having received a certificate of such discharge do apply at the same time for them. All settlers and other persons are hereby forbidden to employ any extra people but those who produce a certificate of their being so discharged, and at their own disposal.

Expirees'
certificates.

25th October, 1796.

Parole—Bridport. Countersign—Hood.

MANY attempts having been made by the people who came out as convicts in the ships Boddingtons and Sugar-cane to impose on the Governor and other officers with respect to their time of servitude, it is hereby strictly ordered and directed that no settler or

Certificates to
expirees.

1796.
12 Nov.

Orders *re*

other person do employ or harbour any of those people on the strength of the certificate they had formerly obtain'd, as it appears now that many of them have been transported for life.

It is therefore the Governor's particular and positive directions that every person offering himself for employment on the presumption that his certificate is a sufficient voucher of his being at his own disposal be particularly examin'd relative to the ship he came out in, and also be desired to produce his certificate, which, as all former certificates have ben called in, will be considered as useless unless signed by Mr. Williamson, the Acting Commissary.

And it is hereby further ordered that, as many of the above-described prisoners (the Boddingtons' and Sugar-cane's) have absconded without having obtained a renewal of the certificate formerly granted them, all persons who are friends to good order do use their utmost endeavours to secure and bring to headquarters such impostors. Should it be hereafter discovered that any persons receiving indulgences from Government do refuse to obey this Order, they will be depriv'd of that indulgence, and hereafter considered as unworthy any attention from Government, and be treated otherwise as persons holding in contempt the public orders and regulations of the settlement.

29th October, 1796.

Parole—Plymouth. Countersign—Devonshire.

Certificates to
expirees.

THE Governor thinks it necessary to give this public information to the inhabitants of the colony in general, that after his Order of the 25th inst., in which he pointed out a number of people, who by false pretences and various offices practised upon officers who are not now upon the spot, had obtained certificates of discharge at their own request from the victualling-books of the settlement, he did not expect to have occasion to publish any other Order on that subject. He, however, feels himself compelled, as a duty he owes to his situation, to notice the turbulent conduct of those very people, who have not hesitated to use a language and threats which imply a determination to resist all authority, and further to declare, "That if any officer, civil or military, any settler or other person within this colony, shall, after Monday, the 7th of November (a time allowed for completing any work they may now be engaged in), retain in his or her service any one or more of the persons described in the above Order of the 25th, such persons will be considered as encouraging a set of lawless and seditious people, to the total expulsion of all order and Government, and to the weakening of his Majesty's authority in these settlements."

Those who came to this country in the ships Boddingtons and Sugar-cane have had no cause to complain since they arrived in it. Such of them as have had only a bare probability of being out of their time have been granted certificates, as a proof that it was not intended to prevent them from serving themselves. The error respecting their time has been committed in Ireland, and not in this country. To grant certificates to such as it is known are here for life would be the highest injustice to many others; such an indulgence is only to be obtained by a quiet, decent, and proper conduct.

If they are of opinion that to threaten will be the best means of obtaining what they want, they may repent that opinion when it will be too late. There will be no difficulty in furnishing them

with a situation in this country, or some of its dependencies, where they will not be able to disturb the peace of their neighbours, and if they are troublesome here they shall certainly have that situation very soon. They have already been told that the Governor had represented in the most pressing manner to the Secretary of State the necessity and justice of having those sentences sent out as early as possible, that the people concerned might be liberated the very day on which their sentence expired. It is therefore out of his power to do more for them at this time.

After having said so much, the Governor thinks it necessary to inform all the inhabitants of the colony, whether in a civil or military capacity, that he expects, as they value his Majesty's authority, the peace and civil government of the settlement, they use their utmost vigilance and exertions to preserve peace and good order, and to that end, that they aid and assist the civil power when and wherever it may be necessary, and also that they report all such persons as they may know are in any way active in opposition to this Order.

1796.
12 Nov.
Orders *re*

9th November, 1796.

Parole—District. Countersign—Sydney.

In consequence of the very disorderly conduct and the frequent disgraceful breaches of the peace committed by many of the inhabitants of the town of Sydney and its neighbourhood, the Governor has thought it necessary to number the houses, and to divide the town into certain portions or divisions, as a more ready means of having the well-disposed assisted by each other in suppressing all tumult and disorder, and of compelling a more decent attention and obedience to the laws and regulations of the settlement. It is therefore his Excellency's directions that the inhabitants of the different divisions do immediately proceed to elect from amongst themselves three of the most decent and respectable men residing within their divisions to be appointed as watchmen, for the purpose of enforcing a proper attention to the peace and tranquility of their respective divisions, and that the names of the persons so chosen be laid before him for his approbation. As this is a measure intended to promote the happiness and secure the property of the inhabitants generally, the Governor flatters himself that its necessity and utility will be seen by every honest man, and dispose him to offer his services for establishing it as early as possible.

Police.

The duty of the persons so chosen will be to apprehend all night-walkers, all disorderly and suspicious persons, and to deliver them over to a constable, or take them before a Justice of the Peace; they will also interrogate all who are found idling about in their division, not being inhabitants thereof, and oblige them to give an account of themselves. If they call themselves free people and off the store, they are to produce their certificate; if they are people who are permitted to go from Parramatta, the Hawkesbury, or any other distant place to Sydney, they will produce their passports or leave from the person authorized to give it. The watchmen will inform themselves of all strangers who come to reside within their division, and report them at the end of the week to the civil magistrate. They will be particularly careful to secure and bring before the magistrate all gamesters and drunkards, and to enforce in their respective divisions a due

Gaming.

1796.
12 Nov.

reverence for the Sabbath day, and not to permit any to be idly strolling about during divine service. Notwithstanding that the office of watchmen in all towns whatever is performed at the expence of the inhabitants, being for the public security, yet the Governor, in consideration of the trouble attending the faithful discharge of its dutys, thinks fit to order that the person so officiating shall be allowed the full ration for themselves and familys, an occasional supply of slops, and half a pint of spirits every Saturday. If their diligence may deserve further notice, the civil magistrate will have an eye to them, and recommend them to other indulgences. It is intended that the same regulations shall take place at Parramatta.

The commanding officer of the New South Wales Corps will chuse his own watchmen over the military division, and direct them to report to him.

10th November, 1796.

Parole—Maskelyne.

Countersign—Banks.

Rations.

There being no Sugar remaining in the Public Store in lieu thereof will be issued:—

To Civil Military and Free People $1\frac{1}{2}$ lb. Wheat.

To the Convicts 3 lb. Maize.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Per store-ship Prince of Wales, *viâ* China.)

14 Nov.

Dear Sir, Sydney, New South Wales, 14th Novr., 1796.

Hunter's
difficulties.

As you will, I trust, have seen both Capt. David Collins, our Judge-Advocate, and Mr. Palmer, our Commissary, before you can receive this, I am hopefull you may have had an opportunity of learning much of our concerns from them. It is my wish that they may have an opportunity of conversing with you, as you will gain much information from them. You can have no conception of my situation at the time they left me; I am therefore the more desirous you shou'd learn it from them, and am unwilling to enter any farther into it at present than I have in my separate letter to his Grace the Duke of Portland, transmitted by those gentlemen. You will know from the above two officers of what and of whom I complain. I hope his Grace may have time to take that notice of my complaint which I conceive, *as a public concern*, it merits; had it been a private one it wou'd not have been sent home, and I confess it would have been more agreeable to my feelings had it been of that kind. You can have but little idea what mischiefs and embarrassment, vain, restless, and designing people may occasion in a country peopled with such characters as we have here. I earnestly wish Government wou'd direct that such disturbers of the peace and happiness of a distant country like this might be sent out of it. No difficulty whatever shall arrest my endeav'rs to bring into order the concerns of this colony. I have enter'd upon it, and I will, if I

live, bring it about, however it may effect the private concerns of private individuals, for that is the rub. You will be told in England that a fortune of eight or more thousand pounds have been made here in five years. A question naturally arises out of that information—How is it possible? Those who are acquaint'd with the traffic which has been carried on here will be best able to inform you, for I really cannot. It is the various regulations which I have been attempting since I have been here to establish order that stands in the way of this destructive traffic, and which will bring about as many impertinent opinions relative to the colony for the Duke of Portland's consideration as there are different schemers and traders in the country. I heartily wish it were possible to knock it intirely up, or establish some regulations for its limitation.*

1796.
14 Nov.

The General Orders which have been issued by me since my arrival I send by this opportunity that it might be seen from those occasional Orders what have been the objects I have had in view. I cou'd have freely forgiven any article of trade which was in itself harmless; but money was not made so rapidly by any as spirits, and that article has completely ruined many who might have done well. This has thrown many familys back upon Government who might have continued independant. To save those people from ruin is to effect the trade of others, and consequently if a Gov'r here means to make popularity his great object—I mean amongst the traders—he must not bestow a thought upon the public concerns, but shew a disposition to fall in with all their plans, to allow them to take out of the public store whatever they want, and to employ as many of the servants of the public as they wish, and to feed and cloath them at Gov's expence. Such a man wou'd be admir'd here, and all his endeavours falling in with their wishes wou'd be prais'd. You cannot, sir, have any idea of the immense expence of public stores. Before the time of my arrival every military man, even the private soldier, cou'd have what he pleas'd—whole casks of nails at a time taken out for private use. Do take the trouble to ask Mr. Palmer on this subject. I believe he will tell you that he dar'd not refuse whatever was order'd by any military man. This I put an immediat stop to, well knowing the prodigious expence of those stores; and the schemes of some were much effected by those orders which I judg'd it necessary to give the Commissary. On this subject I could say much; but I trust whatever information you may desire from Mr. Palmer or Collins will be given you. I hope, too, it may be candid; they can say much if they will speak

General orders
issued.

Evils of the
spirit traffic.

Past favours to
the military.

1796.
14 Nov.

out. I will therefore trouble you no farther at present than to assure you that I am, with much esteem, &c.,

JNO. HUNTER.

Stationery.

Allow me to add here what I shall be oblig'd to trouble his Grace with soon, viz., my allowance for station'ry is too small; £50, instead of £20, will not save my expences. So many applications from inferior departments.

P.S.—You will also have seen Lt.-Govr. King, whose very ill-health has oblig'd him to quit Norfolk Island, to my very great concern.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Per store-ship Prince of Wales, *viâ* China.)

Sir, Sydney, New South Wales, 14th Novr., 1796.

Having occasion to write by this opportunity pretty fully to his Grace the Duke of Portland on some part of the concerns of this colony, I have been unwilling by addressing this to his Grace to occupy more of his time than circumstances might render necessary; you will therefore have the trouble of attending to the subject of this letter. You will, no doubt, see the contents of my different letters, and I hope may have time to consider the subjects of them. I shall therefore only mention to you what probably ought to have been written to his Grace but from an opinion that at such a time as the present he will have much business of more immediat importance to consider.

Iron and steel
urgently
required.

We are getting very short of iron and steel, having long been oblig'd to manufacture all the tools which we have had occasion for on the public works, and we are extremely deficient in every kind of impliment either for agriculture or for working artificers. We have scarcely as many nails as will complete the buildings we are endeavouring to raise, and without which we can no longer remain without the most material injury to the concerns of Government. We are nearly destitute of cloathing, either for old or young. Allow me here to observe that the contract for shoes has been shamefully supplied; a pair will scarcely last a laboring man for a week. The sole leather sent out some time past has been of great service. Permit me, sir, to request that you will use your best endeavours to have us supplied as early as possible, and to tell you, for the information of his Grace the Duke of Portland, that if we have not soon some addition to our numbers of working men we shall have very few in the country who will not, from their terms of transportation being expir'd, be perfectly free.

Clothing and
shoes.

The small schooner sent out some years ago in frame grows very infirm, and she is the only vessel we have in the absence of the King's ships for keeping up our intercourse with Norfolk Island. We give her occasionally such repairs as she may require, and we have the power of applying, but she is too small. If I had a sufficient strength of carpenters, I wou'd undertake to build one of 70 or 80 tons burthen, which I think would be highly serviceable between this and Norfolk Island.

I have, &c.,

JNO. HUNTER.

1796.
14 Nov.
The schooner
Francis.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

15th November, 1796.

[A copy of this despatch, which was marked "*Separate*," has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 23, per store-ship Prince of Wales, *viâ* China; acknowledged by the Duke of Portland, 18th September, 1798.)

My Lord, Sydney, New South Wales, 18th Nov., 1796.

18 Nov.

The ship Prince of Wales, being clear'd of her cargo, will proceed upon her voyage to China on the 20th. Such letters as I have judg'd it necessary to write at this time for your Grace's information will go by that conveyance; but as the Sylph, store-ship, arrived here yesterday, I have thought it proper that your Grace should receive information thereof as early as possible, and also to acknowledge the honor of having receiv'd your Grace's dispatches* by that ship.

Despatches.

Your observations, my Lord, upon the dispatches of Captain Paterson, of March and June, 1795, I particularly notice, and am hopefull that his Majesty will receive farther satisfaction from the accounts transmitted by me relative to the progressive improvement of the colony, which accounts have been forwarded by the ship Britannia. Your Grace will also be inform'd by those dispatches the various circumstances of which I have had but too much cause to complain. In addition to those accounts, I have found it necessary to detail something more particularly—various parts of those complaints, and the causes from which they appear'd to me to have originated—in a separate letter, which will go by the present opportunity; I shall not, therefore, dwell on those unpleasant reports now.

Your Grace observes upon a letter from Lt.-Gov'r King, forwarded by Captain Paterson, that, notwithstanding the increase of swine upon Norfolk Island, the price of that kind of provision

The price of
swine's flesh.

1796.
18 Nov.

is still as high as when it was first establish'd, and that was at a time when it was considerably less plenty. This, I have understood, my Lord, was found necessary for encouraging the rearing of that kind of animal in a domestic state. Its flesh, when taken wild from Phillip Island, being neither palatable nor wholesome, and is, on that account, oblig'd to be confin'd and fed upon corn for four or five months before kill'd. The settlers have found that the feeding hogs upon corn turns out so expensive that they have hitherto felt themselves unable to sell it at a less price. Your Grace will allow me to observe that untill those people can have an opportunity of purchasing the various articles of European production, which they are so often in want of, at a less exorbitant rate than they have since this settlement has been establish'd, they can ill afford to lower the price of such articles as are rais'd by their own labor. This, my Lord, is the chief cause of the heavy expence incurr'd by the having occasion to hire artificers or labourers. A store establish'd here by Government, or by some person authoris'd by Gov't to retail the many little necessaries wanted, and at a moderate profit, wou'd soon reduce the price of what we raise here.

Comparison of
public and
private live
stock.

Permit me, my Lord, to take notice of your Grace's remark relative to the disproportion between some kinds of the live stock raised by Government and that of private individuals. Unless your Grace adverts to the numbers which are given to settlers agreeable to promise a fair conclusion cannot be drawn, because, in the returns sent home, none are mentioned but those immediatly in our possession; and, at same time, to assure you, my Lord, that the private stock of individuals will generally be better taken care of than that of the public, because their respective owners will be frequently found near what they feel so great an interest in. But the worthless wretches whom we are often oblig'd to trust the care of the property of Government to, pay less attention, feeling but little interest in them; they are more apprehensive of punishment for the abuse of their charge than prompted to attention from the rewards we may have a desire of bestowing. And many, whose abuse of those valuable considerations have fallen under my own observation, have not fail'd to receive the punishment they have merited. The live stock of Government have lately increas'd much, and not having as many carefull people to attend them as I could wish, does frequently give me much concern.

The prices of
provisions.

What your Grace remarks upon the prices given for different articles of provisions in this colony is certainly just, but I have

to beg you will consider, my Lord, that it is but very lately any quantity of swine's flesh has been offer'd to the public store here; the price has, therefore, been high, and had it not been consider'd necessary as much as possible to save the salt provision such price wou'd not have been allow'd. Upon this subject I must take the liberty of observing to your Grace that almost every officer in the colony, since the time of Governor Phillip, have employ'd themselves farming and rearing stock, certainly much to the general benefit of the colony, altho' on their own account. Permit me, my Lord, to say that I do not, nor never will, have any such concern; the public interest is mine, and ever will be, whatever station I may fill in its service. My reason for making this observation to your Grace is, that if it has been the interest of private people to keep up the price of such articles as Government cannot supply itself with a sufficiency of here, such motives will not influence me who have no private concern of that kind to look forward to. My endeavours to reduce the expences of this colony, I may venture to say, have and will continue to be uniform, but the innumerable difficultys which have been improperly thrown in the way of my early success in so desirable an object are but too obvious, and have already been mention'd.

Altho' it is certainly true, my Lord, that the importation of oxen into a colony which was wholly without breeding-cattle is a measure which cannot well be defended, I must yet observe that, since my arrival, those animals have fully earned their original value to the public by the labor they have perform'd, and which for want of men cou'd not have been done, to the very great delay in completing several highly necessary public works.

Defence of the
importation of
oxen.

I have receiv'd much satisfaction from the arrival of some cloathing in the Sylph, the convicts, men and women, being very deficient of those necessarys; but your Grace, I trust, will pardon me for repeating our distresses for want of every kind of tool for labor, which, when the people whom your Grace has signified we may expect soon, shall arrive, will be much wanted.

I must express my hope that the three hundred are all men, and not part men and part women, for of the latter we have already enough. We have scarcely any way of employing them, and they are generally found to be worse characters than the men; if we had more work for them it wou'd often be difficult to employ them, for we generally find those of a certain age taken up in the indispensable dutys of nursing an infant.

I am, &c.,

JNO. HUNTER.

1796.
18 Nov.

1796.
1 Dec.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 24, per store-ship Prince of Wales, *viâ* China; acknowledged by the Duke of Portland, 18th September, 1798.)

My Lord, Sydney, New South Wales, 1 Dec., 1796.

Sitting of
criminal court.

In my letter No. 22, which will accompany this, I had occasion to mention our gaols being quite full of prisoners for various offences committed against the peace and order of the settlement, and that it was my intention as early as possible to convene a Court of Criminal Judicature for their trial. Perfectly aware of the ill consequences of delay in such cases, I gave immediate directions for the assembling of such Court. It was compos'd of the officiating Judge-Advocate and six officers of his Majesty's New South Wales Corps, the King's ships being at this time absent upon service.* The Court set several days, and it gives me extreme concern to say that the result of the trials was that no less than eight persons were capitally convicted upon the strongest evidence. Of that number, one was for a most shocking murder, and seven for robbing the public provision-stores, a practice which it appears has been long carried on, and which is of the most serious consequence to the settlement, particularly when we consider that two of this number were centinels upon duty, and had the charge of those very stores. One man has been convicted of manslaughter, and several acquitted, of whom two were accus'd of a most barbarous murder, but altho' there was the strongest presumptive, the legal proof was not full.

Had the robberys which have been committed on the provision stores happen'd during a time of scarcity we shou'd have felt the less surprise, but we are, my Lord, upon a full and ample ration.

Here again, my Lord, I cannot help recurring with concern to the licentiousness and confusion which I have had occasion so frequently to notice, to which your Grace will no doubt be tir'd with having your attention so frequently drawn, and which I have already said appear'd to me to have been occasion'd by too great an attention to private considerations and too little to public.

In my endeavours to get the better of that, and to introduce what I conceive to be more immediat'ly necessary to the welfare of the public service here, I may have already incurr'd the censure of some, but it is those only whose private views and interest have been effected by my endeavours, and, consequently, of little moment; nor shall it relax my exertions in correcting those evils which have so often occasion'd the shocking examples I have now mentioned.

I have, &c.,

JNO. HUNTER.

* Note 333.

COMMENTARY.

COMMENTARY

ON

DESPATCHES.

APRIL, 1788 – DECEMBER, 1796.

Note 1, page 1.

This said territory.

THE territory defined in Phillip's commissions and instructions included the present States of New South Wales, Victoria, Queensland, and Tasmania, and all the country to the eastward of 135° of east longitude, which meridian bisects the State of South Australia, and practically separates the middle and eastern thirds of the Northern Territory. The reasons are not clear for conferring this vast continental jurisdiction on Governor Phillip, who was nominally sent out to found a penal settlement. The British Government had, a few years previously, been compelled to admit the loss of the American colonies, and it was probably mentally gratifying to feel that a vast area was being acquired, although it was almost unknown, and its capabilities and products were a matter of conjecture. In the same epoch, the British and French Governments were extremely jealous of one another, and the presence of a French expedition in southern waters may have suggested to the British Government the possibility of competition in colonisation. Most certainly the wording of Phillip's instructions to settle Norfolk Island "and prevent it being occupied by the subjects of any other European power" is suggestive of such an incentive. The wide territorial expanse of the present British Empire was then in its infancy; after the loss of the American colonies, the colonial possessions of the British Crown were much restricted, South Africa was mainly Dutch, Canada was confined to the eastern littoral and to river settlements, whilst the East India Company had not yet acquired undisputed control of the Indian Empire. In fact, it may almost be said that the statesmen, who drew up the commissions of Governor Phillip, knowingly or unwittingly, struck the first great blow in the building of the British Empire, by giving the first Governor of New South Wales jurisdiction over half a continent.

It is difficult to define what was intended by the British Government to be the limit of jurisdiction seaward. Norfolk Island was expressly mentioned in the instructions, and the meridian of this island passes through the South Island of New Zealand, but whether it was at first intended to include that dominion is uncertain. Some collateral evidence may be gained from the interpretation by subsequent Governors of similar sovereign rights: Governor King regarded Tahiti as within his jurisdiction, and Governor Macquarie evidently considered that he held sway over the North Island of New Zealand by the appointment of a Justice of the Peace for the Bay of Islands. Whether this was the intention of the British Crown with regard to the jurisdiction of Governor Phillip will probably remain a moot point.

Note 2, pages 2 and 9.

Governor Phillip's Second Commission, (and) Instructions.

This commission conferred on Governor Phillip a constitutional position, which was very similar to that which had been held by the Governors of the colonies and plantations in America. The differences and modifications were mainly those rendered necessary by the special circumstances of the new colony; but in directing that the usual oath of a Governor in the plantations should be subscribed to by Phillip, the scope of the East India Company's charter appears to have been overlooked. The original oaths of office have been reproduced by photo-lithography in *The Beginnings of Government in Australia*.

The Instructions issued followed the general custom then in vogue, and consisted of a more or less detailed amplification of the powers conferred by the commission.

Note 3, page 9.

About 600 male and 180 female convicts.

This approximate statement and the definite statements with regard to the same numbers of various contemporary writers collectively form an excellent example of extraordinary divergence from fact, to which many of the early colonists were prone. The following totals of male and female convicts are given:—In *Phillip's Voyage*, p. vii., 850; p. 13, 778; p. lv., 777; in *Hunter's Journal*, p. 4, 800; in a return submitted and ordered to be printed by the House of Commons, 26th July, 1798, 778; in a Navy Office return, dated 13th June, 1794, 778; in *Collins' Account*, p. iii., 756; in *Tench's Narrative*, p. 6, 757; in King's private journal, 752. Of all these returns, it is probable that the first four authorities were quoting the numbers that were embarked, and therefore included fourteen convicts who died and two who were pardoned before sailing, although none of them are clear on this point. Collins, Tench, and King certainly referred to the numbers on board at the date of sailing (13th May, 1787).

The exact number of convicts on board, when the fleet sailed, may be deduced from the official returns transmitted from Santa Cruz on 10th June, 1787, and from Rio Janeiro on 2nd September, 1787. In the return from Santa Cruz the total numbers were given as 750, and the number of deaths since embarkation had been 21; of these deaths 14 had occurred before sailing, and therefore the number of convicts on board at the time of sailing was 757. In the return from Rio Janeiro, the total numbers were 742, and the number of deaths since May 13th was 15, making a total of 757 at the time of sailing from England. Between Rio Janeiro and Port Jackson 25 convicts died, and consequently the numbers landed were 717, of whom 529 were males.

Note 4, pages 11 and 57.

*An assignment to you of the servitude of the several
convicts transportation.*

*I have no account of the time for which the convicts are sentenced or the
dates of their convictions.*

The transportation of convicts in the first fleet and in the various transport ships for thirty-six years after the foundation of the colony was not carried out by the British Government directly, but by contractors on the following

basis:—Vessels were chartered by the Commissioners of the Navy to carry the convicts, and an indenture was entered into with the shipowners, whereby the statutory right of property, in the service of the convicts for the remainder of the terms specified in their sentences, was transferred to the masters of the transport ships. A clause was included in the same deed of indenture, by which, for a nominal consideration, receipt whereof was acknowledged, this statutory right was to be transferred to the Governor of the colony for the time being on the arrival of the vessel at its destination. When the first fleet sailed, the specifications of the sentences attached to the indentures were left in England by the agent for the contractors, and therefore Governor Phillip was in ignorance as to the time of expiration of the individual sentences.

Note 5, pages 13 and 15.

Principal Secretary of State for Plantation Affairs.

The Committee of Our Privy Council for Trade and Plantations.

Between the years 1780 and 1787, the duties of the Principal Secretaries of State and the administration of the colonies were in a condition of transition, owing to the loss of the American colonies. In the year 1768, a Minister had been first appointed as the Secretary of State for the American Department, and on him had devolved the purely executive control of the colonies; all other matters of colonial interest had been supervised by the Council of Trade and Plantations, which had been established in 1672. In 1782, by statute (22 Geo. III, cap. 82, commonly known as Burke's Act), this secretaryship and council had been abolished, and the spheres of the two remaining Principal Secretaries of State had been divided into Home and Foreign; the administration of the colonies and Ireland had then been undertaken by the Home Office, and an under-secretary had been appointed over a sub-department, called the Plantation Branch of the Home Office, to take special charge of the colonies. In 1784, the Committee of the Privy Council for Trade and Plantations had been practically revived, and in 1786, its powers had been further defined, and by it all questions relating to the colonies of a not purely executive nature were to be considered; it is to this committee that Phillip's Instructions refer.

The Principal Secretary of State for Plantation Affairs is another title for the Principal Secretary of State for the Home Department, and it does not appear to have been in general use.

Note 6, page 16.

The surgeon volunteer.

John Turnpenny Altree.

Note 7, pages 16 and 17.

The store-ships and the remainder of the transports.

The rest of the ships.

The first fleet consisted of eleven vessels—*Alexander*, *Scarborough*, *Charlotte*, *Lady Penrhyn*, *Friendship*, *Prince of Wales*, *Borrowdale*, *Golden Grove*, and *Fishburn*, convoyed by His Majesty's ship *Sirius* and the armed tender *Supply*. Of these vessels, the first six carried convicts chiefly, and the following three provisions. In the latter part of the eighteenth century, all

vessels under charter to the Navy (whether for the conveyance of troops, convicts, or provisions) were classed by the generic term of "naval transports"; a sub-class of "provision ships" or "victuallers" was created for those freighted mainly with provisions. To this sub-class the *Borrowdale*, *Golden Grove*, and *Fishburn* belonged, and the *Lady Penrhyn* was at first attached; the latter vessel was originally intended to carry seventy female convicts and provisions, but at the time of sailing her complement of convicts was increased, and her classification ill-defined. According to modern usage, the fleet would be described as consisting of six transports, three store-ships, and two King's vessels.

Note 8, page 18.

The name of Sydney.

This name was given in honour of Thomas Townshend, Esq., at that time Baron Sydney of Chislehurst, and Secretary of State for the Home Department, to whom Phillip's early despatches were addressed. Thomas Townshend, Esq., was born 24th February, 1732-3, and accepted office in Lord Shelburne's Administration of 1782-3 as Secretary of State for the Home Department. In Pitt's Administration, which lasted from 1783 to 1801, he filled the same office, until his resignation in June, 1789. He was elevated to the peerage on 6th March, 1783, as Baron Sydney of Chislehurst, and was created Viscount Sydney of St. Leonards on 9th June, 1789, on his retirement from office. He died on 13th June, 1800. It was under his *régime* that the final steps were taken for the establishment of the colony of New South Wales, and he was also on terms of intimate friendship with Captain Arthur Phillip.

Note 9, pages 18 and 60.

Lieutenant Shortland.

Lieutenant Shortland had travelled in the first fleet as agent for the transports. He was a man of 48 years of age at the time of sailing from England, and was well qualified to undertake the duties. He had entered the Navy at 16 years of age, and, after seeing considerable active service, had been detailed to supervise transports conveying troops from the American colonies, and for the relief of Gibraltar; shortly before the time of his appointment he had returned with troops from Halifax.

An agent for transports at that time was endowed with large powers, and his duties were of great importance, as on his shoulders rested the responsibility of efficiency on the voyage. He was charged with the oversight and proper fulfilment of the contract for transport; the masters of all transports were under his command; bulkheads and cabins were provided, as he directed, for the accommodation of soldiers and convicts; on the production of his certificate advance payments were made to the contractors, and by his certificates the charters were concluded. When the transports were being prepared, it was Lieutenant Shortland who had the active personal supervision of all detail work, as Governor Phillip was detained in London arranging the manifold details for the welfare of the projected colony, and did not join the fleet until the 11th of May, 1787, two days before sailing. It is evident that a large part of the credit derived from the successful completion of this momentous voyage is due to Shortland, for a neglect of the minutiae would have imperilled the success of the undertaking. He kept a full journal of transactions, which on his return was highly valued by the authorities for the information therein contained.

After remaining at Port Jackson for nearly six months, Shortland was entrusted with the first despatches from Governor Phillip to the Secretary of State, and sailed in the transport *Alexander* on 14th July, 1788, arriving in England on 29th May, 1789. He was subsequently promoted to the ranks of master and commander in the Navy.

Note 10, page 20.

Only sixteen carpenters could be hired from the ships.

The want of competent artificers was one of the difficulties which Phillip had to contend with in the early days of the settlement. Amongst the 529 male convicts, only twelve at first could be classed as carpenters, and several of these were sick; nine of the marines were employed as such, and also the carpenter of the *Sirius* and his crew. These were all that were available to build the storehouses, quarters for the civil staff, barracks for the marines, and huts for the convicts in a spot which was covered by virgin bush.

Note 11, pages 20 and 71.

He only carried with him a petty officer, surgeon's mate, two marines, two men who understood the cultivation of flax, with nine men and six women convicts.

Only seventeen men and six women.

Phillip's statement of May 15th, which enumerates Lieutenant King, fifteen men, and six women as the first settlers of Norfolk Island, is one of many minor inaccuracies of the Governor, which are difficult of rational explanation. Prior to the time of writing the letter, the armed tender *Supply* had returned from the island, and it is strange if Phillip was not then made cognisant of the numbers landed. In the despatch of 28th September, the figures are given correctly.

A coincidence occurs between this mis-statement of Phillip and a similar mis-statement of King in his private journal. King kept two journals, one for his private use, and one which he forwarded to the Secretary of the Admiralty and Sir Joseph Banks. The former journal is now in the possession of his descendants, and under the date 13th February he specifies twenty-one individuals of various capacities as the first settlers to accompany him to the island; but this is clearly contradicted in the same journal, for under the date 27th April he details certain work for Surgeon Atree, who is not enumerated in the list of February 13th, and in the meantime no vessel had touched at the island. The second journal (or another copy of it) passed into private hands, and was purchased in 1897 for the Sydney Public Library. This journal was used in the publication of *Hunter's Historical Journal*, and under the date 15th February the first settlers at Norfolk Island are correctly enumerated, and number twenty-three persons, in addition to Lieutenant King, namely:—James Cunningham, master's mate; Thomas Jamison, surgeon's mate; John Atree, assistant to the surgeon; Roger Morley, weaver; two seamen, two marines, and nine male and six female convicts.

Note 12, page 21.

The name of Pitt Water.

This branch of Broken Bay was named after William Pitt, the younger, who was Prime Minister of England from 1783 to 1801, and thus head of the administration which founded the colony.

Note 13, page 22.

He named it after Lord Howe.

Lord Howe was the celebrated Admiral, who had been created Viscount Howe in the peerage of Great Britain on 20th April, 1782, as a reward for his services to his country. He held office in Pitt's Ministry from 1783 to 1788, as First Lord of the Admiralty.

Note 14, page 22.

I have been under the necessity of assembling a Criminal Court. Six men were condemned to death. One, who was the head of the gang, was executed the same day; the others I reprieved.

This statement of Phillip is somewhat misleading. Prior to the day on which the letter was dated (May 15th), he had summoned three separate Criminal Courts, which had assembled on the 11th and 27th days of February and the 1st day of May. The first portion of the despatch possibly may have been written before May 1st, but not prior to February 27th.

At the first court one convict was found guilty of assault, and a second and third of theft. The first received 150 lashes corporal punishment; the second was confined on the island, which now forms Fort Denison, for one week on bread and water; and the third, sentenced to receive fifty lashes, was pardoned.

At the second court four men were tried for robbing the public stores; three were sentenced to death, and of these one was executed and two pardoned on condition of being banished from the settlement; the fourth convict was sentenced to receive three hundred lashes, but was pardoned. At an adjourned meeting of the same court, on 29th February, three convicts were tried for the robbery of a tent; one was acquitted, and two sentenced to death, but the latter were pardoned on condition of being exiled. On the same day two men were tried for the robbery of flour; one was sentenced to receive three hundred lashes, and the second was condemned to death; both were pardoned, the latter on the condition that he became the public executioner. The prerogative of pardon was vested in Governor Phillip by Letters Patent.

Phillip's statement, therefore, leads to two erroneous conclusions, namely, that only one Criminal Court had been assembled prior to the date of writing, and that the six men condemned to death belonged to one gang, of which the leader was executed.

Note 15, page 22.

Part of the live-stock brought from the Cape . . . has been lost.

When the first fleet was at the Cape of Good Hope, there were taken on board, on account of the Government and the Governor, one stallion, three mares, one colt, two fillies, one bull, one bull calf, six cows, forty-four sheep, and a number of goats, hogs, and poultry. The officers also purchased and shipped live-stock for their personal profit. On the voyage to Port Jackson, two of the cows and a large number of the sheep and other live-stock perished. The remainder, and also the survivors of those brought from England, were landed on 30th January, 1788. The stock met with misfortune from the commencement, as on 6th February several sheep were killed by lightning, and a few weeks later several more were killed, presumably by wild dogs. It is to these losses and to deaths from natural causes that Phillip refers,

as at the time of writing there had been no losses amongs the cattle and horses. It must be noted that the first settlers applied the term "colt" to a young horse of either sex, and the term "stone-colt" to the male, and thus differed from the modern use of the terms "colt" and "filly".

Note 16, pages 23 and 75.

To send for women from the Islands.

With respect to the sending to the Islands for women.

The masculinity ratio of the first settlers was 347·27 males to each 100 females, exclusive of forty children, whose sexes are difficult to determine, as the only data available is the record of baptisms, which enumerates only twelve boys and seven girls baptised on the first fleet or during the first month after arrival. In consequence of this great disproportion, instructions had been given to Governor Phillip (*see* p. 14) to procure women from the islands, as it was the custom in the eighteenth century for the authorities to consider the sex problems of convicts and others in similar positions.

Note 17, pages 24 and 265.

Extracts from my journal.

Phillip made these two references to the keeping of a journal or diary, a custom which was common amongst the officers of the first fleet. A copy of this journal has not yet been found, and it was probably regarded as the private property of the recipient, and therefore not filed with the official papers. The editor of *Hunter's Historical Journal*, on page 567, states that "here closes the journal of Governor Phillip being received by the *Gorgon*." It is apparent, therefore, that Phillip periodically transmitted instalments of his journal, and that the editor of the quarto volume, known as *Hunter's Journal*, had access to at least a portion of Phillip's journal, as he had to the journals of several other officers.

Note 18, page 29.

They burn their dead.

These remarks on the aborigines, during the first three months of the settlement, demonstrate the keen powers of observation and the enthusiasm shown by Governor Phillip in fulfilling the instructions he had received with regard to the natives. Although no one was conversant with the language, Phillip's only error occurred in recording the method of sepulture.

The operation of knocking out a front tooth in the male virtually conferred the insignia of manhood, and of full admission to the membership of a tribe. The rite was performed in secrete conclave, when a youth arrived at puberty, in the presence of the men of the tribe, women being forbidden to approach the place of initiation, at peril of their lives. It can well be imagined what astonishment these children of nature would show, and what prestige he would acquire, when Phillip exhibited his own loss of a front tooth.

The amputation of the two distal phalanges of the left little finger was probably a religious observance, performed in infancy, but the meaning of it has never been fully explained.

In recording the method of burial, Phillip was at fault. The aborigines of the district, extending from Port Hacking to Broken Bay, interred their

dead in caves, sand, or any soft soil. If the jawbone found by Hunter was a human one, the cremation of the body was an exceptional case. The mounds observed by Phillip were probably kitchen middens, which were often of very large size, and many may still be seen on the shores of the four harbours included in the district mentioned.

Throughout Phillip's intercourse with the natives he displayed marked tact and forbearance, which is well demonstrated by the statement: "I chose rather to risk the spear than fire on him."

Note 19, pages 29 and 156.

The northernmost of which I named Carmarthen Hills, and the southernmost Lansdowne Hills. A mountain between I called Richmond Hill.

Lansdown and Carmarthen Hills.

The "mountain" which Phillip named Richmond Hill lies on the opposite bank of the river to the townships of Windsor and Richmond. The Carmarthen and Lansdowne Hills are those portions of the Blue Mountains while lie north and south of the valley of the river Grose.

When the first fleet sailed from England, the Marquess of Carmarthen was Secretary of State for the Foreign Department, and the Duke of Richmond Master-General of the Ordnance in the Pitt administration. The Earl of Shelburne had been Secretary of State for the Foreign Department in the Rockingham administration, and on the death of the Marquess in 1782, had been appointed Prime Minister; on 6th December, 1784, he was created the Marquess of Lansdowne. It was probably in honour of these noblemen that the hills were named.

Note 20, page 29.

I set off the 22nd of April with six days' provisions.

It is difficult to chart the route taken by Phillip in these two first land explorations from his own description, but from other sources the course taken is fairly clear.

In the first tour he set out on April 15th, accompanied by four officers, three marines, and two seamen, and landed near Manly. Deewhy Lagoon was discovered, and camp was pitched the first night near a swamp a few miles west of the lagoon. On the following day the course was at first shaped westward, until an arm of Middle Harbour was reached, when four members of the party were detached and returned to Sydney Cove. Phillip and five companions then proceeded along the shores, and camped the second night on the fresh-water stream at the head of the harbour. On the following day a forced march was made to the westward, and a point somewhere to the north of Pennant Hills was reached, when a return was made to the previous camp. On the fourth day the return journey was made along the shores of Middle Harbour, until the boats sent to relieve the party were met.

In the second tour Phillip landed, probably, in Homebush Bay, and in the first day no progress was made owing to repeated failures in the attempts to penetrate the scrub, and camp was pitched for the first night near the starting point. On the second day the upper arm of the harbour was discovered, and followed probably to the Duck River, where camp was pitched. The next day the present site of Parramatta was passed, and the Parramatta River was followed towards its source, where the night was passed. On the fourth and fifth days a westward course was taken, but it is difficult to fix

the exact point reached; still, it is more than probable that the hill called Bellevue by Phillip is the Greystanes Hill at Prospect. On the sixth day a return was made to the head of Port Jackson, and Sydney Cove was reached by boat on the day after.

Like most of the early explorers, Phillip was greatly at fault in his estimation of distances travelled, owing to the difficulties created in encountering dense scrub and various natural features, when it was impossible to take a direct route by compass.

Note 21, page 32.

The three transports for China.

The nine vessels of the first fleet, which were convoyed by the *Sirius* and the *Supply*, were all under contract to the Government, but the charters of the *Lady Penrhyn*, *Charlotte*, and *Scarborough* terminated as soon as their cargoes were cleared at Port Jackson, whereas the charters of the six remaining vessels specified certain charges per ton per month, until their return to Deptford (*see* Series 2, Vol. 1). The *Lady Penrhyn*, *Charlotte*, and *Scarborough* terminated their contract with the Government on 25th and 26th March, 1788, and thereupon commenced a new contract with the East India Company to proceed to China and load a cargo of tea for England. It is these three vessels to which Phillip refers.

Note 22, pages 32 and 57.

The canvas house I am under being neither wind nor water proof.

At the west end of my canvass house.

A portable canvas house, valued at £130, was brought out in the first fleet for the use of Governor Phillip. Its erection was commenced on 29th January near the present site of Macquarie Place, and for many months it served as Governor Phillip's residence and office. The marine officers were provided with marquees and camp equipage at a cost of £389 4s. 1d., and for the use of the convicts old canvas from Portsmouth Dockyard, valued at £69 0s. 9d., had been supplied with which to make tents, &c. Until such time as huts could be erected these were the chief shelter which the first settlers possessed.

Note 23, page 32.

Commission of Philip Gidley King.

This was not the first commission or warrant of appointment that Governor Phillip issued, as on the 26th of January he signed one appointing midshipman Henry Brewer, Provost-Marshal of the colony.

All official documents, including land grants, were sealed by Governor Phillip with his own private seal, which was the size of a large signet ring, until the territorial seal was received on the 22nd of September, 1791.

Note 24, pages 32 and 147.

Philip Gidley King.

The second lieutenant from the Sirius.

Philip Gidley King was born at Launceston, Cornwall, 23rd April, 1758. He entered the Navy as midshipman in 1770, and served five years in the East Indies. He went to Virginia in 1775, and was promoted to the rank of lieutenant in 1778. In the following year he returned to England, and

served in home waters until the year 1783, when he returned to the East Indies, as lieutenant under Captain Phillip, on H.M.S. *Europe*. During sixteen months' service there Phillip recognised the merits of his young lieutenant, and King received his commission as second lieutenant of the *Sirius*, thirteen days after Phillip received the first commission as Governor.

Note 25, pages 33 and 532.

Andrew Miller, Secretary.

Secretary to the Governor.

Andrew Miller had been appointed Commissary of Stores and Provisions, and in that capacity had embarked with Governor Phillip on board H.M.S. *Sirius*. He was in receipt of a salary of £182 10s. per annum, and was held in high esteem by Phillip, in whose house he was allowed to reside as a guest, when the first fleet was anchored at Rio Janeiro and the Cape. After the arrival in Sydney Cove, he fulfilled the additional duties of Secretary to the Governor, and in this capacity he countersigned Governor Phillip's first precepts and commissions; he was succeeded in that office by Judge-Advocate Collins in the middle of June, 1788. In April, 1790, he resigned his appointment of Commissary through ill-health, and sailed for England in the armed tender *Supply*; he transhipped on board the Dutch packet *Snelheid* at Batavia, and died at sea when that vessel was between the latter port and Mauritius.

The office of Secretary to the Governor, sometimes termed Secretary to the Colony, was held by Captain David Collins until September, 1796, when he departed for England in the store-ship *Britannia*.

Note 26, page 35.

The Lieut.-Governor.

A commission (*see* Series II) had been issued to Major Robert Ross, as Lieutenant-Governor, dated 24th October, 1786. Major Ross was an officer of the Plymouth Division of the Marines, and after seeing active service in America had been attached to the recruiting service in Great Britain. In October, 1786, he had been appointed officer commanding the detachment of marines detailed for military service in the new colony, and had embarked on H.M.S. *Sirius*.

The duties of a Lieutenant-Governor were not clearly defined. In Phillip's second commission it was enacted that the Lieutenant-Governor should undertake the full powers and authorities of the Governor in the event of the latter's death or absence; the effectiveness of this provision was modified by the fact that a dormant commission was signed in 1786, appointing Captain John Hunter to succeed to the Government in the event of Phillip's death or absence.

The Lieutenant-Governor was virtually in the position of a deputy superintendent-general, who supervised the public labour, when Phillip was absent at Parramatta or on exploring tours. When Phillip was present at the settlement in Sydney Cove he detailed Ross for the supervision of the public works which were in progress on the western side of the Tank Stream and Sydney Cove.

Note 27, page 35.

The Judge-Advocate.

Captain David Collins was appointed Deputy Judge-Advocate by commission, dated 24th October, 1786. Collins was the eldest son of Major-General Arthur Collins, and a grandson of the antiquary, Arthur Collins,

author of *The Peerage of England*. He was born 3rd March, 1756, and received a lieutenant's commission in the marines at the early age of 14. He saw considerable active service in America and at sea, but at the time he received his commission on the staff of the colony he was on half pay. Although possessing no adequate legal training, he possessed considerable mental powers, which is well shown in his book, giving an almost daily account of the colony. In addition to his appointment as Judge-Advocate, Phillip appointed him Secretary to the Governor in June, 1788.

The duties of Judge-Advocate in the early years consisted of presiding over the whole legal administration of the colony. He, as President, and two other persons, summoned by precept of the Governor, formed the Court of Civil Jurisdiction; he, as President, and six military or naval officers, similarly summoned, formed the Court of Criminal Jurisdiction, whilst he and a Justice of the Peace formed the Bench of Magistrates. In addition he issued all writs, summonses, and legal processes.

Note 28, pages 35 and 108.

The sitting as members of the Criminal Court.

The sitting as members of the Criminal Court was not a duty to which they were obliged to submit and that he knew of no articles of war to compel them.

By the English statute (27 Geo. III, cap. 2), the Governor of the colony for the time being was empowered to convene a Court of Criminal Judicature for the trial and punishment of treason, felonies, and misdemeanours; the said court was to consist of the Judge-Advocate, "together with six officers of his Majesty's forces by sea or land." The practice adopted was that the Governor issued a precept, as occasion demanded, whereby the Judge-Advocate and six officers were summoned for a certain day, the selection from the officers of the marines being in accordance with a roster kept for that purpose by the adjutant of the detachment; naval officers were also summoned whenever a warship was in harbour. When twelve of the officers were questioned (*see* pages 116-117), each one acknowledged that he considered it his duty to sit as a member of the court, but only two admitted a knowledge of the Act of Parliament prior to leaving England. The "hardships" involved are not apparent, as the duties of the officers were not excessive in the early days, and it is probable that their actions were only further evidence of simmering discontent on their own part, and covert opposition on the part of Major Ross.

Note 29, pages 35 and 56.

The not having the power of immediately granting lands the officers likewise feel as a hardship what the bounty of Government intends them.

Government had not determined what lands were to be given them.

In his second commission Phillip received a general power to grant lands (*see* p. 7), but in his instructions, which amplified the commission, reference was only made to the granting of lands to emancipists (*see* p. 14). The absence of any specific mention of officers, as grantees, in these instructions caused Phillip to withhold all land grants to them during his government. On the receipt of this letter, additional instructions (*see* p. 124) were forwarded to Phillip, which dealt with grants of land to non-commissioned officers and privates of the marines, and again omitted any reference to the

commissioned officers. The granting of lands to officers was authorised in a despatch, dated 14th July, 1792 (*see* p. 365), but this was not received in Sydney until 16th January, 1793, subsequent to Phillip's departure.

Note 30, page 35.

Commissary I have appointed the person.

The commissary was Andrew Miller (*see* note 25). The assistant to the commissary was Zachariah Clark, appointed 30th April, 1788.

Note 31, page 35.

Also pages 57, 151, 190, 249, 396, 601.

There is likewise a very useful person who acts as Provost-Martial (the one appointed in England not having come out).

Mr. George Alexander was the English appointee, but he did not join the fleet for reasons unknown. To fill the vacancy, on the 26th January, 1788, Governor Phillip signed a warrant of appointment as Provost-Martial of the colony, conferring the office on Henry Brewer, a midshipman on H.M.S. *Sirius*, who had also acted in a similar capacity during the voyage. The duties of this officer were very similar to those of the sheriff of modern times.

It is interesting to note that the spelling, as Martial or Marshal, appears to have been in a transitionary stage.

Note 32, page 35.

Two people, who are farmers, and the clerk of the Sirius as likewise a smith that superintends the convict smiths.

Henry Edward Dodd (*see* note 81), William Broughton, Thomas Freeman, Walter Brodie.

Note 33, pages 36 and 260.

Putting the officers under arrest.

Who were put under arrest by Major Ross.

After the receipt of the first despatches (including that of 16th May, 1788) in England, the early relief of the detachment of marines was determined, and active consideration of the difficulties created by Major Ross demanding a general court-martial on five officers was officially shelved. Major Ross and his detachment (including Captain-Lieutenant Tench) did not sail for England on relief until 18th December, 1791, on board of H. M. Ship *Gorgon*. In the meantime the three years had expired, which were prescribed by the statute governing the marines, as the time in which any untried charge should lapse; in consequence, the five officers, suffering from a real or imagined wrong, wrote to Governor Phillip the letter of 25th March, 1791. On his return to England, Tench endeavoured to obtain a trial by court-martial, and in the event of that being refused he wished to prefer certain charges of tyranny and oppression against Major Ross. Both these requests were refused by the Lords Commissioners of the Admiralty. Tench's actions do not appear to have been considered of a grave nature, for he was promoted to be captain 17th April, 1793, and major 1st March, 1794, and received subsequent promotions until he became a general.

Note 34, page 36.

The number of officers capable of doing duty being but thirteen.

The officers of the marines at this date were two captains, Campbell and Shea; two captain-lieutenants, Meredith and Tench; nine first lieutenants, Maxwell, Geo. Johnston, Creswell, Kellow, Poulden, John Johnstone, Shairp, Timins, Davey; three second lieutenants, Clarke, Faddy, and Collins; Quartermaster Furzer, and Adjutant Long. These numbered eighteen in all, and as five were under arrest, only thirteen were doing duty. Lieutenant Dawes, at this time, was on the books on the *Sirius*.

Note 35, page 36.

He had no right to speak to any woman of his (the prisoner's) ship.

Amongst certain sections of the first settlers the division into coteries was sharply defined, and was the cause of considerable disorder. By these classes unwritten laws were made, whereby the sailors of the transport vessels were forbidden the society of the women of both convicts and marines, the women of one ship were forbidden to associate with men who arrived in another ship, the marines of the Portsmouth division despised the marines of the Plymouth division, and *vice versa*. These discordant elements were the cause of most of the quarrels in the early camp, and the evidence given in many of the early trials illustrates many similar episodes.

Note 36, page 37.

The Articles of War.

When the colony was founded, the entire civil staff, as well as the officers and men of the marines, were subject to military law. In all the commissions issued to the Judge-Advocate, chaplain, and surgical staff, these words were included: "You are to observe and follow such orders and directions from time to time as you shall receive from our Governor, of our said territory for the time being, or any other your superior officer, according to the rules and discipline of war."

Note 37, page 39.

[*Enclosure No. 4*] *Officers to Governor Phillip.*

It is evident from the subject matter of this letter that it could not have been written on the day that it is dated, and it is probable that the correct date is at least three days later.

Note 38, pages 41, 43, 91, and 137.

There are only four captains and twelve lieutenants in the detachment.

The officers (exclusive of the five officers under arrest) being no more than three captains and eleven subalterns.

For of seventeen officers composing the detachment.

The strength of the detachment consists of only eighteen officers.

The number of officers on the establishment were correctly enumerated by Governor Phillip on May 16th, 1788 (*see note 34*), and these previous and subsequent statements are somewhat confusing. In the first (page 41), it is possible that Phillip did not include Quartermaster Furzer and Adjutant

Long, although he did not make this differentiation in the several other statements. In the second (page 43), the only conceivable explanation is that either John Ross, a volunteer doing duty without pay, or William Dawes, lieutenant of marines on the *Sirius*, has been included in the detachment, although Dawes was not officially transferred to the corps until the following July. In reference to the third (page 91), two vacancies had been created by the departures of Lieutenants Maxwell and Collins, one of these had been filled by the appointment of Lieutenant Dawes, but the recommendation of Major Ross, that his son, John Ross, should fill the other vacancy, does not appear to have been adopted, and the complement of officers was thus reduced to seventeen. In the fourth (page 137) John Ross has been included in the complement.

Note 39, page 43.

Geo. Johnston, Adjut. of Orders.

Geo. Johnston arrived in Port Jackson on board the transport *Lady Penrhyn*, as first lieutenant of the marines. He was made aide-de-camp to Governor Phillip shortly after his arrival, hence the signature with Adjut. of Orders attached. On the departure of the marines in 1791, he was transferred to the New South Wales Corps, in which he was given by Phillip the command of the new company formed. He subsequently became the leading figure in the deposition of Governor Bligh.

Note 40, page 45.

A great part of the cloathing I have, sir, already observed was very bad.

Phillip probably refers to a letter written to Under Secretary Nepean from Rio Janeiro, 2nd September, 1787 (*see* volume on first fleet), in which he states: "With respect to the women's cloathing, it was made of very slight material, most too small, and in general came to pieces in a few weeks." In the same letter he states: "One hundred sacks of casada has been purchased . . . the sacks being of strong Russia, will be used hereafter in cloathing the convicts, many of whom are nearly naked." The supply of clothing for the first settlers was very deficient, apart from the fact that the slops for the women were left behind on sailing, and before the arrival of the second fleet many of the convicts were barefooted and almost naked.

Note 41, page 46.

Lieutenant Dawes.

William Dawes arrived in Port Jackson as second lieutenant of the marines belonging to H. M. Ship *Sirius*. He volunteered for the service, and through the influence of the Rev. Dr. Maskelyne, the Astronomer Royal, was equipped with astronomical instruments by the Board of Longitude, to make observations, more especially on the expected comet (*see* note 48). When Lieutenants Maxwell and Wm. Collins were invalided to England in July, 1788, he was struck off the books of the *Sirius*, and attached to the detachment of marines on shore, and returned to England on their relief by the New South Wales Corps. During his sojourn in the colony he also fulfilled the duties of officer of engineers and artillery, and assisted in surveying and marking out allotments for the settlers. Amidst these various labours, he maintained constant astronomical observations at his observatory, situated on the ground now known as Dawes' Battery, and devoted considerable time to the study of local ethnology and the language of the natives, in which he

became a recognised authority amongst his compeers; he was also an enthusiast in the exploration of the country. On account of his technical knowledge, his departure in 1791 was regretted by Governor Phillip, notwithstanding some insubordination (*see* pages 290-294) shown by him. His abilities were well recognised, and on his return to England he was appointed Governor of Sierra Leone. This post he resigned on the grounds of ill-health, and he was then strongly recommended by Wilberforce, the philanthropist, as superintendent of proposed schools for European and native children in New South Wales. This appointment was not made, and Dawes retired into private life in December, 1794. He was the first resident scientist to labour in the realms of the abstract sciences in Australia.

Note 42, pages 46 and 51.

Before the end of July.

Four ships are . . . preparing to sail the first week in July.

It is now the 9th July.

This is an excellent example of the way the despatches of the early Governors were sometimes written. It is clear that the major portion of this despatch was not written nor revised on the day that it was dated. Despatches by the early Governors were often commenced, laid aside, and then completed four or five weeks later; the date was then added, usually the time of completion, but in one particular instance (*see* Series 1, Vol. II), Governor Hunter ante-dated a despatch to the Duke of Portland at least three months (21st February, 1799).

Note 43, page 46.

Your Lordship will excuse my observing a second time.

The previous reference is in the despatch of 15th May, 1788 (the penultimate paragraph on p. 22).

Note 44, page 46.

Lieutenant Ball returned the 25th.

25th of May.

Note 45, page 46.

The transports that sailed for China.

Scarborough, Charlotte, and Lady Penrhyn (see note 7).

Note 46, page 47.

After what I have had the honour of observing . . . I make no doubt proper people will be sent to superintend them.

Phillip referred to this subject in the despatches of 15th (p. 19) and 16th May, 1788 (pp. 34-35).

Note 47, page 47.

The intended plan of the town.

The plan transmitted by Governor Phillip is reproduced in the volume of charts. In designing this plan, Phillip exhibited a total disregard for the natural contour of the land, but in giving the main streets a general north-

easterly direction he exhibited masterly foresight in deciding to take advantage of the prevailing winds, which the colonists had then experienced. The principal street was marked out to begin at the south-western end of the parade ground, near the present corner of George and Bridge streets, and to extend south-westerly for 550 feet, where it ended in a transverse street near the northern end of the present Wynyard Square. On the south-western alignment of this transverse street, and looking down the main street, he intended to build the Governor's house, the main guard-house, and the criminal court. A second street, running in a south-westerly direction to the water's edge of Darling Harbour, was marked to commence from this transverse street, a little south of the present corner of George and Hunter streets; this street was to be intersected by a second transverse street at a point 1,000 feet from its commencement near the present corner of Barrack and Clarence streets. At the same time it was determined that all these streets should be 200 feet wide. A site was selected for a church on the north-western boundary of the parade ground, near the southern end of what is now Harrington-street. The ground which lay immediately between the allotments for the church and for the hospital (*see* note 49) was reserved for the erection of store-houses.

This general plan was never adopted, for, when the poverty of the soil in the neighbourhood was realised, Sydney was regarded purely as an administrative centre, and a *dépôt* for stores.

It is somewhat remarkable that Phillip should have submitted this intended plan, with the position of the Governor's house located on the western side of the Tank Stream, four or five weeks after he had actually laid the foundation-stone, on 15th May, 1788, of a residence for himself, which was situated near the present corner of Phillip and Bridge streets. His original intention must have been that this house was to serve as temporary quarters for himself and his successors, until the Government House on the Wynyard Square site was erected. He must, however, have abandoned this proposal towards the end of the year 1789 (*see* page 143 and note 117).

Note 48, page 47.

The expected comet.

In 1786 Nevil Maskelyne, the Astronomer Royal, in a paper read before the Royal Society, had pointed out that the comet, which had been observed in 1532 and 1661, should be expected to re-appear about the end of 1788 or the beginning of 1789, and would be first visible in the southern skies. This was one of the twenty-four comets which Dr. Halley had used in his investigation. Its return, however, was not recorded.

Note 49, page 48.

The hospital is a building that will stand for some years. It is clear of the town and the situation is healthy.

The area reserved by Phillip for the first hospital lay on the west side of Sydney Cove. Its northern boundary was an east and west line, lying a little north of the present alignment of Argyle-street, its southern boundary a similar line a little south of the modern Globe-street, the eastern boundary practically corresponded with the present alignment of George-street North, between Globe and Argyle streets, whilst the western boundary was undefined.

The hospital erected by Phillip, supplemented by the building brought out in frame in the second fleet, was utilised until after the arrival of Governor Hunter, who caused the first buildings to be pulled down and re-erected on a stone foundation.

Note 50, page 50.

The three men that had been reprieved from death.

These three men, Lovel, Hall, and Gordon, had been reprieved on the 28th and 29th February, 1788 (*see* note 14), and since the beginning of March had been confined on the rocky islet, which is now known as Fort Denison. It had been intended to maroon them on or near the South Cape of Tasmania as soon as an opportunity had offered.

Note 51, page 50.

Also pages 55, 77, 96.

They strayed and were lost.

This little nucleus of two bulls and four cows wandered into the bush, where they multiplied to an extraordinary degree. When the descendants were discovered, seven years later, they had taken possession of the flat country to the west of the Nepean River, and the adjoining hills, from the present town of Camden to the valley of Stonequarry Creek. Their discovery was officially reported by Governor Hunter to the Duke of Portland in a despatch dated 21st December, 1795 (*see* page 550).

Note 52, pages 51 and 144.

The whole number of people victualled amounts to 966.

Of 1,030 people who were landed.

In the despatch of 9th July, thirty-five deaths and twelve persons absconding are enumerated. If to these are added Lieut. King and his party of twenty-three who went to Norfolk Island, three marines who died but are not mentioned by Phillip, and 966 who were victualled on the 9th July, the number of people who arrived in the first fleet appears to be 1,039. There were, however, in addition to the deaths already mentioned, those of nine convict and two marine children, but these were probably equalised by the births, of which there is no direct account beyond a record of nine baptisms between January 26th and July 9th, 1788. It is probable that, in the number victualled on the last-mentioned date, there were included some sailors from the transports who were temporarily employed on shore.

The persons, who were landed as settlers during the first few weeks, may be deduced from other sources, and were: Governor Phillip and nine members of his staff, 209 marines (exclusive of the Lieutenant-Governor and the Judge-Advocate), 529 male and 188 female convicts (*see* note 3), 31 wives of marines, 23 children of marines (inclusive of a net increase of 9 on the voyage from England), 17 children of convicts (a net increase of 4 on the voyage), 2 servants, the clergyman's wife, Ross's son, and 13 appointed to various positions by Phillip from amongst the crews of the vessels, namely, Lieutenants King and Dawes, Provost-Marshal Brewer, Surgeons Jamison and Altree, Peace Officer Jas. Smith, Clark and Freeman [assistants to the Commissary], Blacksmith Brodie, James Cunningham, Roger Morley, and two seamen from the *Sirius*. These make a total of 1,024. It must be noted that some persons arrived in the first fleet and became settlers at a later date, such as certain members of the *Sirius's* crew.

Note 53, page 52.

John Ross.

Alexander John Ross was the son of Major Ross, and had voyaged in the transport *Lady Penrhyn*. On 3rd February, 1789, Major Ross gave him a commission as second lieutenant of the 6th company, *vice* Lieutenant Clarke, promoted, and this appointment was confirmed by the Admiralty, 30th November, 1792. These first vacancies and promotions in the marine detachment had been caused by the departures of Lieutenants Maxwell and Collins in July, 1788.

Note 54, page 54.

The ship by which I now write may arrive before either of those that have my despatches on board.

The first despatches of Governor Phillip were sent in the care of Lieutenant Shortland on the transport *Alexander*, duplicates of the same letters being sent with Lieutenant Collins in the transport *Friendship*, and triplicates by the master of the store-ship *Borrowdale*. Unless Phillip's determination to send the triplicate despatches was arrived at subsequent to the time of writing this letter, it is probable that this despatch was sent in the transport *Prince of Wales*. The voyages of the transports *Alexander* and *Friendship* were tragic. Scurvy in an aggravated form attacked the crews of both ships, and owing to deaths on board it became necessary to scuttle the *Friendship* and transfer the survivors of her crew to the *Alexander*; this happened off the coast of Borneo in the month of October. The *Alexander* then proceeded on her voyage, and after calling at Batavia and the Cape, arrived off the Isle of Wight on the 28th of May, 1789. The transport *Prince of Wales* and the store-ship *Borrowdale* sailed in company around Cape Horn, and called at Rio Janeiro, after suffering great distress from sickness amongst their crews. The despatches by the last-mentioned vessels reached London at the end of March, 1789.

Note 55, page 56.

I have traced thirty miles inland.

As 30 miles inland indicates the present position of St. Marys, of a point between Windsor and Richmond, and of a point west of South Creek in the latitudes of the entrance to Port Jackson, of Narrabeen, and of the entrance to Botany Bay, respectively, it is extremely improbable that such a point had been reached, except, possibly, by runaway convicts. (For Phillip's expeditions *see* note 20.)

Note 56, page 57.

The person I have appointed . . . are very useful people.

A comparison of these sentences with the two concluding paragraphs of Governor Phillip's despatch to Lord Sydney, dated 16th May, 1788 (*see* p. 35), affords an excellent example of the way in which statements were repeated again and again, statements which were not of particular importance and required no emphasis. Certainly one is addressed to Lord Sydney and the second to Nepean, but all letters addressed to the Principal Secretary passed through the Under Secretary's hands, and most, if not all, addressed to Nepean were seen by Lord Sydney. In the despatches of two subsequent Governors, Hunter and King, the repetition is even more apparent.

Note 57, page 58.

His Majesty's Commission with that for establishing the Courts of Civil and Criminal Judicature were read soon after landing.

Governor Phillip had received instructions before leaving England (*see* p. 9) to cause his commission to be read and published "as soon as conveniently may be." Accordingly, on the 7th February, this ceremony was performed on a space which had been specially cleared near the present corners of George and Barton streets (*see* pages 8-9, *The Beginnings of Government in Australia*). A few of the officers were unable to be present at the reading on that day, owing to their attendance at duties elsewhere, and a second reading of the commissions took place on 12th February, at which these officers were present.

Note 58, page 59.

Surgeon White.

John White had been appointed surgeon to the settlement on 24th October, 1786, at a salary of £182 10s. per annum; at that time he was surgeon on H. M. Ship *Irresistible*; he arrived in Port Jackson on the transport *Charlotte*. He had charge of the medical establishment of the colony until his departure for England on leave on 17th December, 1794.

Note 59, page 60.

Secretary Stephens.

All the official despatches which Governor Phillip wrote to the Admiralty were addressed to Philip Stephens, who was the Principal Secretary for Marine Affairs. This office was held by Stephens until March, 1795, when he became one of the Commissioners for executing the office of Lord High Admiral.

Note 60, pages 61 and 63.

[*The omissions.*]

The first omission is a repetition of the essential parts of the despatch of Governor Phillip to Lord Sydney, dated 15th May, 1788 (*see* pages 16-32), and the second omission is the first portion of the third paragraph on page 51.

Note 61, page 65.

None should be sent whose sentence is for a less term than fourteen years.

Of the convicts who were transported in the first fleet, the sentences of 64 are not available. Of the remainder, 34 were transported for life, 19 had received sentences of fourteen years' transportation, and 600 of seven years. At the time of their arrival in Port Jackson many had served a large part of their terms, and the average of the unexpired sentences of the 619 convicts last mentioned was four years and two months.

Note 62, page 66.

My publick letters to the Admiralty and Navy Board.

Governor Phillip maintained direct correspondence with three departments or sub-departments in England, namely, the Home Office, the Admiralty, and the Navy Board. To the first, general reports on all subjects were transmitted,

to the second, a general report and special reports on his Majesty's ships and their crews on the colonial service, and to the third, all details in connection with the transport and victualling ships, their charters, their cargoes, the method of transporting convicts, and the fulfilment of the contracts. A large part of the correspondence with the Commissioners of the Navy (*i.e.*, the Navy Board) has not yet been found. Governor Phillip and his immediate successors also occasionally communicated direct with the Victualling Office and the Treasury Commissioners, but the larger portion of this latter correspondence was conducted by the Commissary of the colony.

Note 63, pages 67 and 68.

A private letter per transport "Alexander."

Governor Phillip was on terms of intimacy with Lord Sydney and his under secretary, Evan Nepean, and to them he wrote numerous private letters. Many of these were filed amongst the official correspondence, although they were not of the nature of confidential official letters, but purely private personal letters. Their nature is clearly shown by the fact that all letters marked private, which were received for Lord Sydney at the Home Office after his resignation in June, 1789, were forwarded to him personally. These letters occasionally contained information of a semi-official nature, and when such was the case Lord Sydney returned them for the use of his successor in office.

Note 64, page 67.

Sydney Cove, July, 1788.

The day of the month was omitted by Governor Phillip.

Note 65, page 67.

Mr. Townshend.

The Honourable John Thomas Townshend was the eldest son of Lord Sydney. He was born 21st February, 1764, and at the time the first fleet sailed from England he was an under-secretary in the Home Department.

Note 66, pages 69 and 89.

Captain Carteret's track between New Britain and New Ireland.

In 1767 Captain Carteret, in his Majesty's sloop *Swallow*, had discovered and sailed through the straits separating the islands of New Britain and New Ireland, and had named them St. George's Channel. None of the four vessels, which sailed in July, 1788, fulfilled the first intention of sailing through this passage; the *Alexander* and the *Friendship*, when near the latitude, passed through Bougainville's Straits in the Solomon Islands, and the *Prince of Wales* and *Borrowdale* sailed east, after leaving Port Jackson, and took the route around Cape Horn.

Note 67, page 70.

A small mountain near the middle of the island, which he has named Mount Pitt.

This name was given by Lieutenant King in honour of the Prime Minister on 4th March, 1788, the date of his second landing on Norfolk Island.

Note 68, page 74.

The ground pointed out in my former letters as more easily cultivated than the land round us.

Phillip referred to the land between the present town of Parramatta and Prospect Hill, which he had examined in April, 1788, and had reported on in his despatch dated 15th May, 1788 (*see* pages 29-30).

Note 69, page 74.

Such officers as wish to be relieved at the expiration of the three years for which they were sent out.

The detachment of marines, which was sent out in the first fleet, had been drawn from the Plymouth and Portsmouth divisions. The detachment had been formed in accordance with the instructions contained in the letters written by Secretary Stephens to the commanding officers of these two divisions, and also of the Chatham division on 8th October, 1786. In these letters it was stated that volunteers were preferred, and "that the non-commiss'd officers and private men making a voluntary tender of their service will, if they desire it, be allowed their discharge on their return to England after they have been relieved, which is intended to be done at the expiration of three years, provided their good behaviour in the meantime shall entitle them to such favor; or they will be discharged abroad upon the relief, and be permitted to settle in the country if they prefer it."

Note 70, page 75.

Specimens were sent to Sir Joseph Banks.

Sir Joseph Banks submitted this clay to the opinion of Josiah Wedgwood, who pronounced it to be "an excellent material for pottery." From this clay, or a further shipment of it, Wedgwood made medallions, depicting an allegorical group of Hope attended by Peace, Art and Labour; a number of these were sent to the colony to stimulate the industry of the colonists. Concerning this medallion and another of Wedgwood's, showing a slave in chains, Erasmus Darwin wrote a sonnet, which was published in 1791.

Note 71, page 76.

I have in a former letter mentioned that a couple of decked vessels of 30 or 40 tons burthen would be of great service.

It is difficult to understand the reference to a former letter, as there is no mention of such vessels in the public despatches, numbered 1 to 6, addressed to Lord Sydney. There are three possible explanations of Phillip's meaning, namely, a reference (1) in a private letter, which was not filed on record, (2) in a letter from Santa Cruz, Rio Janeiro, or Capetown (compare note 40), a copy of which has not yet been found, or (3) in the letter (*see* page 89) which was written to Secretary Stephens and dated 28th September, 1788, when it may have been composed at an earlier date.

In accordance with Phillip's suggestion, a vessel in frames was sent out in the transport *Pitt*, which arrived in Port Jackson on 14th February, 1792. She was a vessel of 41 tons burden, and cost £901, inclusive of fittings and stores. She was named the *Francis*, in honour of Lieutenant-Governor Grose's son.

Note 72, pages 82 and 124.

Letter of the 8th of October, 1786.

Assurances were given . . . permitted to settle in that country.

On the 8th of October, 1786, a letter had been written to the commanding marine officers at the divisions respecting the detachment to be sent to New South Wales, of which the following notice had been issued to the marines:—

“The non-commission officers and private marines to be allowed their discharge, if they desire it, on their return to England, after they have been relieved (which it is intended shall take place at the expiration of 3 years), provided their good behaviour shall entitle them to such favor; or will be discharged abroad upon the relief, and be permitted to settle in the country, if they prefer it.

“To be victualled by a commissary, and to have such tools, implements, and utensils as they may have occasion for whilst employed for the protection of the new settlement.”

Note 73, page 84.

13th of May, 1787.

The day on which the first fleet sailed from England.

Note 74, page 86.

The giving of only four pounds of pork in lieu of seven pounds of beef I think too little.

The procedure adopted in the issue of rations is more fully noted by Phillip in his despatch to Nepean dated 5th July, 1788 (*see* page 44).

Note 75, page 86.

The wooden ware sent out were too small; they are called bowls and platters, but are not larger than pint basons.

The supply of kitchen and eating utensils sent in the first fleet for the use of the convicts was very deficient in quantity and poor in quality. For the 717 convicts landed there were provided only 700 bowls and 700 platters, made of wood, and these had to last until further supplies were sent out.

Note 76, page 87.

The good behaviour and industry of two convicts, Noah Mortimer and Edward Westlake, have induced me to request that their families may be sent to them.

These convicts were two of the little band of nine who accompanied Lieutenant King to Norfolk Island in February, 1788. King must have transmitted some special recommendation in their favour with his despatches by the tender *Supply* on her second voyage from the island, to induce Governor Phillip to individualise these two for special favour. The nature of their special merits has not yet been discovered.

Note 77, pages 88, 97, and 100.

The Golden Grove is now ready to sail with one midshipman, one serjeant, one corporal, and five privates, twenty men and ten women convicts. These will make the number on Norfolk Island sixty.

Carried a midshipman, two seamen, a serjeant, corporal, and five privates, with twenty-one men and eleven women convicts.

A petty officer, one serjeant, one corporal, five privates, two seamen, twenty-one men and eleven women convicts were sent in the Golden Grove. These make the number of people on Norfolk Island sixty-one.

A comparison of these statements is further evidence (*c.f.* note 11) of the minor inaccuracies in Governor Phillip's despatches. When the first letter was written, Phillip was aware (*see* p. 70) that the first settlers on Norfolk Island had been reduced in numbers by four, owing to deaths by drowning, and the addition of thirty-eight settlers would have made the total on the island fifty-eight, and not sixty. The numbers mentioned in the second and third letters were actually landed on Norfolk Island on 15th October, 1788, and with the addition of the twenty original settlers would make the total on the island sixty-two, and not sixty-one.

Another discrepancy must be noted. Lieutenant King stated that after the *Golden Grove* sailed on 29th October, 1788, from the island, there were two children to be included. Neither of these were born on the island, for the first birth did not occur until 8th January, 1789, but it is uncertain whether they arrived in the *Supply* or *Golden Grove*.

It is certain, however, that Governor Phillip was incorrect in his totals in the despatch of the 16th November, and that the actual numbers were sixty-two adults, not including the two children mentioned by Lieutenant King.

Note 78, page 88.

Provisions and Stores.

H.M.S. *Sirius* arrived in Port Jackson on 8th May, 1789, after sailing *via* Cape Horn to the Cape of Good Hope, and returning *via* the South Cape of Tasmania. Four months' supply of flour and some of the smaller goods were secured. Surgeon White, in his letter (*see* page 58), begged "leave to particularize a few necessaries, which are absolutely and indispensably requisite," previously stating that the convicts were "distressed when ill for the want of necessaries to aid the operation of medicine"; if the list specified in this requisition is exactly similar to that of Surgeon White, as must be inferred from Phillip's statement (*see* page 85), it throws a remarkable sidelight on what extras were considered essential in the treatment of the sick during the early days of the settlement.

Note 79, page 89.

From Lieutenant Philip Gidley King the Commandant I received the following particulars.

The part omitted is similar to the first portion of the despatch numbered 7 of Governor Phillip to Lord Sydney (*see* pages 70-72).

Note 80, pages 90 and 93.

A general court-martial on an officer for neglect of duty contempt and disrespect.

A commission has issued from his Majesty.

The officer referred to was James Meredith, Captain-Lieutenant in the marines. His subsequent status in the colony was technically one of being

under arrest, and in the returns of the marines (*see* pages 103, 164, 201, 314) he was registered as being "unfit for duty." He returned to England on the relief in H. M. Ship *Gorgon*, and was tried by court-martial, but the exact nature of the charges have not yet been found. Subsequent to the conclusion of the court-martial the Lords of the Admiralty issued the following order to the officer commanding the division of marines:—

"By, &c.

"WHEREAS Lieut. and Adjut. John Nickleson Martin, as Judge-Advocate, has transmitted to us the minutes and sentence of a general court-martial held at Plymouth on the 3rd, and continued by adjournments to the 18th inst., for the trial of Captain James Meredith, of the marines, upon charges exhibited against him by Major Robert Ross, for behaving highly improper as an officer, and in his opinion tending to the subversion of all subordination and injurious to military discipline, by which sentence it appears 'that the court is of opinion the charge is groundless and malicious,—groundless because the charge is not proved in either of its parts, and if it had been, was of a venial nature, and for which ample atonement was made in the apology offered; and malicious from the long duration of the arrest, and unusual and unnecessary severity of it; and the court doth therefore honorably acquit the prisoner.' We have taken the said proceedings and sentence into our consideration, and do hereby signify to you our approval thereof.

"And the court having thought it just and due to the prisoner to enter upon its proceedings, 'that as much has been produced before it, and an unjustifiable assertion made by the prosecutor against him, which may injure him in the public opinion, to declare fully and unreservedly that from the very respectable testimony given in evidence as to the prisoner's character, the court see no circumstance whatever to deprive him of the public good opinion or the respect of his corps, and with deference recommend that the sentence and the above declaration should be read in open court,'—we do hereby signify to you our consent to the same being read accordingly.

"Given, &c., 25th Sept., 1792.

"ARDEN.

"A. GARDNER.

"C. S. PYBUS."

The commission or warrant for appointing courts-martial and the articles of war were received by Phillip a few days before he sailed from England.

Note 81, page 95.

Also pages 143, 146, 190, 195, 248, 322.

One person that I can employ in cultivating the lands on the public account.

Henry Edward Dodd arrived in Port Jackson with the first fleet in the capacity of Governor Phillip's servant. He was the first man to undertake the cultivation of the land in Australia. He was constantly in charge of convicts engaged in clearing and cultivating the land from 1st February, 1788, until the time of his last illness, which terminated fatally on 28th January, 1791. His first tangible efforts at cultivation were made at the head of Farm Cove. When the settlement at Rose Hill was commenced, he was placed in charge of all the agricultural details, and at the end of two years under his direction the amount of cleared and cultivated land totalled 200 acres. He was held in very high esteem by Governor Phillip and the officers, and he gained, by infinite tact, a large influence over the convicts under his charge. His body was buried at Rose Hill, the funeral being attended by all the free people and convicts belonging to the settlement there.

Note 82, pages 98, 100, and 142.

A very dangerous reef . . . in the latitude of 29° 25' south, longitude 159° 59' east.

The south end of the reef . . . in the latitude, &c.

A mistake has been made as to the latitudes, in which the island and shoal are placed by Lieutenant Shortland.

This reef was named Middleton Shoals by Lieutenant Shortland after Sir Charles Middleton, Comptroller of the Navy, and it is probably that now known as Middleton Reef, of which the western elbow is in lat. 29° 27' 40" S., long. 159° 3' 38" E. The island, which Shortland discovered, or thought he had discovered, does not now exist. Shortland's observations were held in high esteem by his contemporaries, and it is strange that he should make an error in recording the presence of an island said to be very high, and to have been under observation on two consecutive days. It is possible that this isolated island may have since disappeared as the result of some submarine disturbance, and that the reefs now known as Elizabeth and Middleton Reefs are all that remain of what was seen by Shortland, as Middleton Shoals and Middleton Island.

Note 83, page 98.

My intentions of fixing a settlement near the head of the harbour.

Governor Phillip named the rising ground, which is now included in Parramatta Park, Rose Hill, after Mr. G. Rose, who was one of the secretaries to the Treasury. When, at a later date, it was decided to build a town there, the main street was laid out along the level ground for one mile to the eastward from the foot of the hill. This level ground was known to the natives as Parramatta, and Phillip adopted this name for the town. The name Parramatta was first used in legal documents between the 4th January and the 9th October, 1791. Prior to Phillip giving the name of Rose Hill, the locality was known to the first settlers as the Crescent. The first settlement was commenced during the first week of November, 1788.

Note 84, page 99.

I suppose it to be blacklead.

A sample of this was submitted for the opinion of Josiah Wedgwood, who stated that it was "a pure species of plumbago or blacklead." This observation was quite correct, as small particles of plumbago are not uncommonly found occurring in the Hawkesbury sandstone in the neighbourhood of Sydney.

Note 85, page 102.

Mr. Jamison, the surgeon, who is surgeon's first mate of the Sirius.

Thomas Jamison accompanied Lieutenant King to Norfolk Island in February, 1788, as surgeon's mate. He was appointed an assistant surgeon of the colony by Governor Phillip on 4th March, 1791, but the British commission was not issued until 10th October, 1793. By the delay in the issue of this last commission, Jamison lost a step in seniority, which was not rectified until Lord Hobart took action in August, 1801. He subsequently became principal surgeon of the colony. On several occasions his name has been confused with that of John Jamieson, who came out in the transport *Royal Admiral* in 1792, and was appointed superintendent of the convicts employed in agriculture on Norfolk Island.

Note 86, pages 106 and 137.

A Justice of the Peace.

The Letters Patent constituting courts of law (*see* series IV, volume I) appointed the Governor, Lieutenant-Governor, and the Judge-Advocate for the time being to be Justices of the Peace within the settlement. The tenth clause of his second commission (*see* page 4) gave Governor Phillip power to appoint Justices of the Peace. By the Charter of Justice, the justices thus appointed were granted similar powers within their respective jurisdictions "as Justices of the Peace have within that part of Great Britain called England."

The first justices appointed by Phillip were Surveyor-General Alt and Captain Hunter for the settlement of Port Jackson, and Lieutenant King for Norfolk Island. The necessary oaths of office were taken by the Judge-Advocate, and the new appointees at the meeting on 12th February, 1788, when the commissions were read for the second time. Two justices sat, as occasion demanded, and exercised summary jurisdiction over minor offences, with the reservation of a power of review to Governor Phillip. The first sittings began on 19th February, 1788. The Governor himself never sat on the bench, probably on account of his holding the power of review, which he frequently exercised.

Note 87, page 107.

Governor Phillip to Lord Sydney.

This despatch, although dated 5th June, 1789, was not sent from Port Jackson until Lieutenant King sailed in the *Supply* on 17th April, 1790, over ten months later, as there was no available conveyance at an earlier date. Many of the early settlers adopted the practice of writing their letters when the events recorded were fresh in their memory; this method was also adopted by the Governor, who wrote his general despatches from day to day as time and subject matter were available, often without any final revision before despatch, and so many little discrepancies arose (*compare* note 42).

Note 88, page 108.

The commission for establishing the criminal court had been read.

The Letters Patent constituting the courts of law (*see* series IV, volume I) were read by Judge-Advocate Collins on 7th and 12th of February, 1788, at the same time as Governor Phillip's commission was read (*see* note 57).

Note 89, page 108.

The first court being given out in general orders.

On Sunday, 10th February, 1788, Governor Phillip signed the precept which summoned Captain Hunter and Lieutenant Bradley, of the *Sirius*, Lieutenant Ball, of the *Supply*, Captains Shea and Meredith and Lieutenant Creswell, of the marines, to assemble on the following day, and sit with the Judge-Advocate as the first court. The original precept and the verbatim proceedings of the court are reproduced in *The Beginnings of Government in Australia*. When there were no ships of war in the harbour, the members of the court were drawn entirely from the officers of the marines.

Note 90, page 109.

Fifteen criminal courts.

The dates on which these courts first assembled were:—1788, 11th February, 27th February, 1st May, 26th May, 2nd June, 10th June, 23rd June, 16th July, 7th November, 17th November, 2nd December; 1789, 10th January, 2nd March, 25th March, 29th April.

Note 91, page 111.

I can only inform your Lordship that those discontents, which have existed from the time this detachment landed, still continue.

A large part of this discontent was encouraged, if not actually commenced, by Major Ross. It was by no means latent, but became an active factor in the early life of the settlement. It was the origin of many of Phillip's early difficulties, as is well exemplified by the refusal of Phillip's request to the officers to assist in the supervision and encouragement of convicts at work (*see* pages 56 and 96), the objection of the officers and the actual refusal of Captain Campbell to sitting as members of the criminal court (*see* pages 56, 107, *et seq.*), the demand for a general court-martial on the members of the battalion court-martial (*see* pages 36-43), and the objections to holding a general court-martial on Captain Meredith (*see* pages 90-94, and note 80).

Note 92, page 111.

The late trial of the soldiers for robbing the store-house.

This refers to the trial of six soldiers on the 25th March, 1789. A gang of seven soldiers had bound themselves by oath to be true to one another, and for several months had carried on systematic robbery of the stores during the times that one of the gang was on duty as sentinel at the store-house, the proceeds of the robbery being shared by the gang. A duplicate key had been made, and by the use of it easy access to the stores was obtained. Discovery was made when one of the gang was surprised in an attempted robbery, and being unable to remove the key, had broken it off, leaving the wards in the lock. The wards were discovered, and, on being examined by a convict blacksmith, were declared to be the work of a member of the gang. This man was at once arrested, but saved himself by disclosing the whole plot. His six colleagues were then arrested, and after being tried and convicted were sentenced to death and executed.

Note 93, page 112.

Having no place of confinement or custody for female offenders, they have been always suffered to go at large until wanted for trial.

In the first few weeks of the settlement, any person who was arrested was kept chained to a log or a tree until the time of his trial. The punishments inflicted were of three kinds, namely, death, corporal punishment, or confinement on the rocky islet, which now forms Fort Denison; punishment rapidly followed conviction, and each of the sentences was carried out on the day of the trial, unless a respite was granted by the Governor. The first properly constituted gaol was not erected until the year 1796 (*see* page 675).

Note 94, page 114.

The inclosed (in my opinion) most insulting letter.

The letter referred to is that of Judge-Advocate Collins, dated 25th April, 1789 (*see* page 112). The insulting nature of it is not apparent. No females awaiting trial were kept in custody for want of a gaol, and Collins, as Judge-Advocate, had discretionary power in preparing charges against prisoners on behalf of the Crown; at the same time any member of the public was at liberty to lay information against any other member of the public, and if of sufficient credit the Judge-Advocate would bring the accused for trial. The exception taken to the letter by Captain Campbell casts a doubt as to the sincerity of the whole action taken by him in the case.

Note 95, page 120.

Your despatches numbered from 1 to 7 inclusive, with numbers 9, 10, and 11.

Despatches, numbered 1 to 5, were carried as originals, duplicates, or tripli-cates by the transports *Alexander* and *Friendship*, and the store-ship *Borrowdale*; despatches, numbered 6 and 7, were sent on H. M. Ship *Sirius* to the Cape of Good Hope, and from there forwarded to England; despatches, numbered 9 to 11, were carried by the store-ship *Golden Grove*.

There is no acknowledgment of a despatch numbered 8, nor has the copy of such a despatch been found. Between the times of sailing of the ships carrying despatches, numbered 7 and 9, no other vessel left the harbour of Port Jackson, and as it was the custom for the despatches on one vessel to be enclosed in a box, it is very unlikely that a single despatch could have been lost in transit. The store-ship *Fishburn* sailed in company with the *Golden Grove*, but if the *Fishburn* had carried the despatch it would have been delivered, unless lost, prior to the despatch of acknowledgment, dated 19th June, 1789, as the *Fishburn* and *Golden Grove* arrived at Deptford in company on 15th May, 1789. It is therefore probable that a despatch, numbered 8 in the first series, was never forwarded to England.

Note 96, pages 120 and 251.

Also pages 125 and 130.

The service of the unfortunate women on board the Lady Juliana.

I have no means of knowing when the sentences of any of the convicts expire, who came out in the first ships.

Explanation of the terms "service" and "servitude" is given in note 4. The repeated specific references to the transfer of the service to the Governor indicate the modification of the official practice, which had prevailed with regard to the transportation of felons to the American colonies, under 4 Geo. 1, cap. II. The practice then in vogue had been that the British Government transferred the servitude of convicts to the contractors, who transported them for life or for a term of years, as the sentence might be; the contractors were required only to produce a certificate of transportation to the colony or plantation nominated. The result had been that the British Government had relieved itself of any further expense with regard to the felons transported, and that the contractors had sold them to the colonists or planters, as virtual slaves for the unexpired period of the transportees' sentences. As the servitude of the convicts was transferred by deed of indenture, the origin of the phrase "convict indent papers" is clear, and the procedure adopted explains the phrase "assigned servants."

It is strange that, although Phillip notified Nepean by letter, dated 9th July, 1788, that he had no record of the sentences of the first transportees, these important and necessary papers were not transmitted to him by either of the ships of the second fleet or the *Lady Juliana*.

Note 97, page 120.

The exertions you have hitherto . . . made for the promotion of matrimonial connexion between the unmarried people.

No mention is made of any action, which was taken to promote marriage amongst the convicts, in any of Phillip's despatches which are acknowledged by this despatch of Grenville; nor is it referred to in the letters to Nepean, nor in the private letters, of which copies have been found. The only inference that can be drawn is that the action taken was mentioned in a private letter which has not yet been found, or in the copy of Phillip's journal, which he transmitted (*see* page 24 and note 17) with his despatch numbered 1, and dated May 15th, 1788.

All marriages were submitted for Phillip's approval before solemnisation, and thirty couples were married from the 10th to the 24th February, 1788. Many of these, however, were contracted in the expectation that married couples would receive various little comforts and indulgences which single folk did not. When these hopes proved false some desired to be released from the bond, and after the 24th February the percentage of marriages per population was much reduced.

Note 98; page 121.

I should have been inclined to have recommended that island's being made the principal settlement.

The influence, that the personal factor of the early administrators exercised over the direction of the colony in England, is well illustrated by this statement. Norfolk Island appears to have held a peculiar fascination for Lieutenant King from the days of the first settlement there, and this was not forgotten by him even when he became Governor of New South Wales. King was held in high esteem by Phillip, and owing to his glowing reports Phillip was always enamored with the prospects of the island, although he recognised its disadvantages as the principal settlement (*see* page 181). When Lieutenant-Governor Grose administered the Government of the colony, he wrote strongly in condemnation of the island settlement (*see* page 479), and Governor Hunter held very similar views. The partial evacuation of the island was ordered by the Secretary of State for the Colonies in 1803, and the complete removal of the settlers in 1806; but compliance with the first order was delayed by Governor King, and the rescision of the second was obtained by his influence, notwithstanding the adverse reports on the merits of the island settlement by Lieutenant-Colonel Foveaux, who had been in command there for some time.

Note 99, page 121.

An annual salary of £40.

The various salaries paid to the Governor and the members of his staff will be found on page 418.

Note 100, page 121.

The obstacles which have occurred with respect to bringing to trial the officers of the corps of marines, by general court-martial.

The difficulties referred to are set forth in the officers' objections (pages 92-94). No attempt was made to correct the trouble, as the marine detachment was shortly afterwards relieved by the New South Wales Corps, which was a military force, and therefore under the control of the War Office, and not of the Admiralty. The Mutiny Act, which controlled the military forces at the time of the first general court-martial in 1793, provided that such a court-martial should consist of not less than thirteen commissioned officers, except when on service in Africa or New South Wales, where it was provided that the court should consist of not less than five commissioned officers.

Note 101, page 121.

You may bring forward for that purpose in your contingent accounts.

It was customary for the under-secretary to forward to the early Governors the proposed estimates for defraying the cost of the civil establishment during the ensuing financial year, but owing to the time occupied in the transit of letters to and from the colony, the vote was usually passed before the Governor could submit any additions (*see* pages 362 and 418). It will be noticed that the sum voted for the financial year 1792-1793 (*see* page 418) included some arrears of salary covering a period exceeding the two previous financial years.

Note 102, page 122.

A corps consisting of three hundred rank and file, and a suitable number of officers, under a major-commandant.

This is the detachment of foot, known as the New South Wales Corps, which was specially raised for service in New South Wales. The strength of the corps was at first determined to be one major commandant, thirteen commissioned officers, one chaplain, one surgeon, and one surgeon's mate, twenty-four non-commissioned officers, eight drummers, and two hundred and sixty-eight privates. The full strength was not reached until the year 1791, according to the returns of Major Grose; the statement of the Right Hon. W. W. Grenville to the contrary, on 24th December, 1789 (*see* page 132), is misleading. The strength of the corps was increased on several occasions by the addition of companies, the first change being made in 1791.

Note 103, page 123.

The families of Noah Mortimer and Edward Westlake will have a passage provided if they are desirous of imbarcking for that country.

This is in reply to the request of Phillip in his letter, dated 28th September, 1788 (*see* page 87, note 76). For many years after the foundation of the settlement it was the practice for persons, who were resident in Great Britain and were desirous of becoming settlers, to make application to the British Government for permission to settle. From this fact it must be inferred that the Crown placed restrictions on emigration to the colony. The first Governors, however, did not follow the same course, for no early records have been found stating that the landing of immigrants had been prohibited, and land was granted or leased to persons who arrived without a British permit.

Note 104, page 123.

The Guardian will sail in about a fortnight.

The *Guardian* was a ship of war of two decks, and was placed under the command of Lieutenant Riou. For the service in which she was last commissioned her lower tier of guns was removed, and she was classified as a store-ship, and was freighted with miscellaneous stores for the use of the colony (*see* enclosure No. 1, page 130). On her voyage towards New South Wales a call was made at the Cape of Good Hope, and this port was quitted on the 11th December, 1789. Twelve days later an iceberg was first seen, and Lieutenant Riou gave orders to stand towards it in order to collect ice to supply the ship with water, as the live-stock put on board at the Cape had consumed large quantities of the ship's supply. When the ship was near the ice she was hove to, and the ship's boats proceeded to collect the lumps of ice. No danger was anticipated, although the current and winds were treacherous in the neighbourhood of the berg. Suddenly, however, and without warning, the bow of the ship struck on a projecting ledge of ice under the water; she instantly swung round, when the stern struck repeatedly, severely damaging the false and main keels and the sternpost, and knocking away the rudder. The position was at once desperate, and all hope of the ship's safety was abandoned, when, two days later, the five boats were launched, one being immediately smashed against the ship and the occupants drowned, and four left the ship. Lieutenant Riou, midshipman Pitt, the boatswain, the carpenter, a few sailors, and twenty-one convicts remained on the *Guardian*. These few men set to work, and fothered the ship, and their labours were so far rewarded that, nine weeks later, after incredible exertions and privations, the *Guardian* was brought into Table Bay in a sinking condition.

Note 105, page 126.

That the same be properly registered, and that regular returns thereof be transmitted by the proper officers . . . within the space of twelve months after the passing of such grant.

When these instructions were received by Phillip no provision had been made for the appointment of a registrar, and Phillip stated the necessity of sending a special officer from England for that purpose in his despatch, dated 18th November, 1791 (*see* page 309). Phillip's suggestion, however, was not complied with. Of the second series of land grants issued, the first 191 deeds were endorsed "By Command of Governor (or Lieutenant-Governor), David Collins, Secy. to the Governor," and presumably the register was also kept by Collins. On 22nd September, 1794, grant number 192 was endorsed "Registered in the Secretary's office, David Collins, Secy. to the Governor." This practice subsequently became common to all grants until the middle of the year 1796, when the endorsement was omitted, and the deed or grant was simply registered in the Secretary's office. By the second series of land grants it is meant those grants which were issued under the seal of the territory (*see* note 174).

The first return (*see* pages 279-282) was forwarded by Governor Phillip with his despatch dated November 5th, 1791, to the Secretary of State; subsequently returns were periodically forwarded, usually by the Governor or Lieutenant-Governor.

Note 106, page 129.

Revd. John Crowther.

The Revd. John Crowther embarked for the colony on board of the *Guardian*. After the vessel had struck the iceberg he left in one of the

smaller boats; on the day after leaving the ship the boat in which he sat went near the longboat to obtain a quadrant, and whilst this was being passed, Mr. Crowther jumped into the longboat. By this action he saved his life, as the first boat was never heard of again. The longboat was picked up by a French vessel, and her occupants, who numbered fifteen, were taken to the Cape. From the Cape Mr. Crowther returned to England, and resigned his appointment in the colony.

Note 107, page 131.

Despatch No. 6, per transport Scarborough.

In his despatch numbered 9 (*see* page 191) Phillip states: "I am honoured with yours by the *Scarborough* marked No. 6," whereas Grenville in his despatch numbered 9 (*see* page 212) states: "In my letter to you, No. 6, which was forwarded to you by the *Neptune*." Both of these statements refer to the same despatch, and Grenville is inaccurate. A similar mistake was not uncommon in the English despatches (compare note 223), and was probably due to the officer-in-charge at the port or ports of departure placing the despatches on the most convenient vessel.

Note 108, pages 131 and 179.

In my letters of the 20th June and 24th August.

As pointed out in the letter of the 19th.

The references are to the letters of the 19th June (*see* page 120) and of the 24th August (*see* page 129). With regard to the different dates, 19th and 20th June, the latter was not a mistake of Grenville's, but was due to the practice adopted in writing the despatches. A letter was written which was copied in long-hand into a letter-book, and a duplicate and triplicate copy were also transcribed. It occasionally occurs that the same letter, in different copies, bears the date of consecutive days, possibly owing to the transcriptions not being made on the same day.

Note 109, page 132.

Nine hundred and thirty males and seventy-eight females.

On a comparison with the return on page 189 (*see* also note 138), it will be noticed that the figures given by Grenville are nine short of the correct number, if the deaths before leaving England have been included, or two too many, if excluded.

Note 110, page 133.

Major Grose has been appointed to succeed to the Lieut.-Government of N. S. Wales.

Major Robert Ross (*see* note 26), the first Lieutenant-Governor, was succeeded by Major Francis Grose, whose commission is printed on page 405. It will be noted that the words "of N. S. Wales" are added; it is possible that it was intended thereby to exclude Norfolk Island from his jurisdiction, especially as the appointment of Lieutenant King to be Lieutenant-Governor of the island was then under consideration. If such was the case, the settlements at Port Jackson and Norfolk Island were regarded as distinct colonies under the jurisdiction of the one Governor-in-Chief.

Note 111, pages 133 and 290.

This measure will however be notified to you through his Majesty's Secretary at War by the Gorgon.

*No information has ever been received from the Secretary at War
as I had reason to expect from your Lordship's letter numbered 6.*

The only communication which has been found from the War Office to Governor Phillip during the time of his administration is the letter dated 4th July, 1792 (*see* page 360). After the arrival of the New South Wales Corps at Port Jackson communications between the officer commanding and the War Office were made direct, and not through the intermediary of the Governor.

Note 112, page 138.

I shall now enclose the letters I have received from the Lieut.-Governor and Judge-Advocate to Mr. Nepean.

See enclosures numbers 1 and 2 to the despatch of Phillip to Nepean, dated 12th February, 1790 (pages 151-153).

Note 113, pages 138, 144, and 199.

A night-watch consisting of twelve persons.

Twelve convicts were chosen as a night-watch.

10 watchmen.

This is another of the inaccuracies of Governor Phillip, which are difficult to understand. In the regulations issued on the 7th August, 1789, a night-watch, to consist of twelve persons, was instituted, but only Keeling and eight other convicts were nominated. These regulations and appointments were forwarded as an enclosure to the despatch of 1st February, 1790, yet in the despatch of 12th February Phillip states that "twelve convicts were chosen." Further, in the return transmitted with the despatch of 17th July, 1790, it is stated that there were ten watchmen.

The idea of the night-watch, which was the first attempt towards the formation of a police force, originated from a plan submitted to the Judge-Advocate by a convict named Harris.

Note 114, page 138.

Paragraph 2 of Enclosure No. 1.

The first division consisted of that portion of the city of Sydney which lies to the east of Hamilton and Pitt streets, and to the north of Moore-street and an imaginary continuation eastward.

The second division was the area in the neighbourhood of the present corners of Hay and George streets.

The third division was that part which lay to the west of the Tank Stream, and south of a line which almost corresponds to the present alignment of Essex-street.

The fourth division lay to the north of the latter line, and extended to the extremity of Dawes' Point.

Note 115, page 139.

Herbert Keeling.

Herbert Keeling, alias John Kellan, a convict undergoing sentence of transportation for life. He was pardoned in the year 1800, on account of his services as promoter and first principal of the night-watch.

Note 116, page 140.

Some of the convicts being examined confessed their intentions.

The copies of the depositions, which were sent to Governor Phillip by the armed tender *Supply*, are dated 6th March, 1789, and are now filed in the records of the Supreme Court of New South Wales; the plot itself was discovered in the previous month of January. The conspiracy originated amongst the convicts who were brought in the ship *Golden Grove*; and of the twenty-nine male convicts on the island, twenty-six were involved, the exceptions being the convict carpenter and two rope-makers, who were "Mr. King's right-hand men." As the remainder of the population consisted of seventeen female convicts, two convict children, and only sixteen free men, the gravity of the situation with which Lieutenant King was confronted is apparent.

Note 117, page 143.

*The house intended for myself contains six rooms, and
 will stand for a great number of years.*

The foundation-stone of this house was laid on the 15th May, 1788, and in the foundation was embedded a copper plate with the following inscription:—

His Excellency
 Arthur Phillip, Esq.,
 Governor-in-Chief and Captain-General
 in and over the Territory of New South Wales,
 landed in this Cove,
 with the first Settlers of this Country,
 the 24th Day of January, 1788;
 and on the 15th Day of May
 in the fame Year,
 being the 28th of the Reign of His prefent Majefty
 George the Third,
 The Firft of thefe Stones was laid.

This stone and inscribed plate were discovered in 1899, during the making of excavations for telephone tunnels. Its situation was at a spot, which now lies under the roadway at the south-western corner of Phillip and Bridge streets. This stone formed the south-eastern corner of the foundations, and the back wall could then be traced in a south-westerly direction for about 30 feet. The copper plate after the discovery was at first placed in the Australian Museum, but is now in the custody of the Trustees of the Public Library of New South Wales. This building, with additions, was used as the residence of the Governors in Sydney until the year 1845.

Note 118, page 145.

The small-pox.

Of all known epidemic diseases, small-pox is the solitary infection of which the introduction to the continent of Australia is involved in obscurity. Prior to the foundation of the settlement at Port Jackson, there is no evidence of the occurrence of epidemic diseases amongst the aborigines, and such infections were probably non-existent at the foundation; owing to the lengthy time occupied by vessels in transit from their last port of call in the early days of the colony, all diseases had sufficient time to develop, and consequently their introductions can be traced with the single exception of small-pox.

When Phillip and the first settlers arrived, the aborigines were keenly observed, and any peculiarities noted, such as the loss of part of a finger or of a front tooth; but not one of the early observers recorded the observation of any natives possessing poek marks. Further, the high mortality, when the disease became prevalent, points to the probability that the epidemic gained a foothold in virgin soil (c.f. the first epidemic of measles in Fiji). When the disease was prevalent, it was found that the natives called it "gal-gal-la," but this cannot be taken as definite evidence of a previous knowledge of the disorder. It is, further, highly improbable that Surgeon White and his colleagues were mistaken in their diagnosis, for practitioners in England at that period had ample opportunity of becoming fully acquainted with the symptoms of the disease.

The observations of explorers and colonists in other parts of Australia at a later date record the existence or evidences of the previous occurrence of the disease, and in many cases the aborigines asserted that the infection had first come from the direction of Sydney.

It is therefore probable that small-pox was introduced in 1788. The disease assumed an epidemic character in April, 1789, and did not die out until the year 1845.

The disease must have been carried in the vessels of the first fleet or in the ships of La Perouse's expedition, although the occurrence of the disease on board of them is not recorded. The inhabitants of England and France at that period possessed a certain degree of acquired immunity, owing to the epidemics which had devastated Europe in the seventeenth and eighteenth centuries; it is therefore highly probable that the person or persons who carried the disease possessed it in such a mild form that it passed unnoticed.

The type of the infection must also have been peculiar and attenuated in character, for it did not become virulent until fifteen months after the first fleet and La Perouse's vessels had arrived on the coast. Further, although probably 50 per cent. of the natives in the neighbourhood of Port Jackson perished, only one sailor, of North American origin, belonging to the *Supply*, was attacked in the first year, and probably not more than six persons acquired the infection from the aborigines during its subsequent course up to the year 1845.

Note 119, page 147.

The third lieutenant of the Sirius.

Lieutenant George William Maxwell. He sailed for England in the Dutch snow *Waaksamheyd* on 27th March, 1791, and died on the voyage to Batavia.

Note 120, page 147.

Making in all twenty-seven deaths.

Phillip has made a mistake in this instance. The death of one woman by execution has been added to the total of twenty-six deaths of those who had died from "disorders of long standing" (see page 144), and not to the grand total of seventy-two who had died since 26th January, 1788. The corrected total is seventy-three.

Note 121, page 148.

Governor Phillip to Under Secretary Nepean.

February 12, 1790.

In the early days of the settlement, Major Ross might almost be charged with having made deliberate efforts to thwart and subvert the authority of Governor Phillip, and it was only through the infinite tact and patience of

the Governor that an open breach was averted. This despatch, in its moderation, indicates the diffidence of Phillip in laying bare the faults of his second in command on land, and the postscript shows his scorn of any attempt to influence opinion against a subordinate, whom he must have recognised as a covert antagonist. Major Ross was a man of peculiar character; he was not only antagonistic to Phillip, but also to Hunter, Collins, and many of his officers. An open quarrel between the civil and military powers was probably avoided by Ross's appointment to the command of Norfolk Island in March, 1790.

Note 122, pages 149 and 151.

Those on the opposite side to remain under mine.

Convicts, employed on the west side of the cove.

The Tank Stream divided the settlement at Sydney Cove into two portions. The larger number of the convicts resided on the west side of the Cove and Stream, whilst the workshops were situated on the east side.

Note 123, page 155.

In the charts of Botany Bay, Port Jackson, and Broken Bay.

Many charts were sent to England by the Governors, and copies of those that have been found are reproduced in the volume of charts.

Note 124, page 155.

A river was found . . . without being able to trace it to its source, which has since been done.

In stating that the river had been traced to its source, it is difficult to understand Phillip's meaning, for at the conclusion of the next paragraph he mentions Richmond Hill "as being the head of the river" (presumably from his own observation), and of "it dividing into two branches." The sources of the Grose and Nepean Rivers were not discovered until some years later.

Note 125, page 155.

After the Lord Hawkesbury.

Sir Charles Jenkinson had been raised to the peerage in 1786, as Baron Hawkesbury. He held office as President of the Council of Trade and Plantations in the Pitt Administration of 1783-1801, and by reason of this position he held considerable influence in the direction of the colony in its infancy.

Note 126, page 157.

I hope to reach the mountains, which has been attempted by a party who crossed the river.

The Nepean River was discovered in June, 1789, by a party consisting of Captain-Lieutenant Tench, Surgeons Arndell and Lowes, two marines, and a convict. On the 9th December following, Lieutenant Dawes, accompanied by Lieutenant Johnston and Mr. Lowes, surgeon's maté of H.M.S. *Sirius*, started from Parramatta to attempt the first exploration of the Blue Mountains. The Nepean River was reached on the 10th, and was forded the following day, at a spot a little below the present railway bridge at Penrith. An attempt was then made to penetrate to Mount King George, which was known

as Round Hill, and a course was shaped with a general direction of west by north. After incessant labour in crossing the valleys, on the 14th December it was decided to return, and Dawes estimated that they had travelled 15 miles from the river. The extreme western point reached was the summit of a hill, which was named Mount Twiss. It is probable that, owing to the difficulties involved in mountain travel, Dawes miscalculated the distance penetrated, and that his Mount Twiss is in the neighbourhood of Linden, and his party were probably the builders of the cairn of stones observed by Blaxland, Lawson, and Wentworth in 1813.

Note 127, pages 161 and 216.

The Right Hon. W. W. Grenville to Governor Phillip.

Whitehall, March, 1790.

In the execution of a plan which is now in contemplation for surveying the north-west coast of America and the Sandwich Islands.

A copy of this despatch is preserved in the London Record Office, but no record has been found of its transmission to, or being received by Governor Phillip. H. M. Ship *Gorgon* was prepared for the voyage to New South Wales, and in October, 1789, Lieutenant Harvey was appointed to the command through the influence of Sir Joseph Banks. Harvey, however, was superseded by Captain Parker in January, 1791, and the *Gorgon* sailed from England under his command on 15th March following, and arrived in Port Jackson on 21st September of the same year. After her arrival, Governor Phillip made no mention of despatching her to "Owyhee," and shortly after ordered her return to England. The *Gorgon* accordingly sailed on 18th December, after Major Ross and part of the marine detachment had embarked for their return to England.

The reference in the despatch of 19th February, 1791 (*see* page 216) states that an expedition was "in contemplation" nineteen days before the *Gorgon* sailed from England, but the vessels of Captain Vancouver's expedition, the *Discovery* and *Chatham*, actually sailed from Falmouth on 1st April, 1791. The words "in the execution of a plan which is now in contemplation" are therefore somewhat misleading, for if this phrase was written on the day the despatch was dated (19th February), it is very unlikely that the plan of an important expedition was not fully elaborated forty days before the vessels sailed.

All the available evidence, therefore, indicates that the despatch of Grenville to Phillip of March, 1790, was a draft of an intended letter, which was never transmitted.

Note 128, page 162.

One of the objects of this expedition being to form a settlement on the no.-west coast of America.

In the year 1789, the English Government were desirous of expanding the sphere of influence on the north-west coast of America, and the proposed settlement was a development of this idea. In April, 1790, however, intelligence was received in England that the Spaniards had attacked and captured the shipping and settlement at Nootka Sound. An expeditionary fleet was at once prepared, but before it sailed the Spanish Government agreed to recognise British rights of trade in that sphere, and to make restitution and adequate compensation for the losses incurred at Nootka Sound.

The main objects of the expedition which sailed under Captain Vancouver were then restricted to (1) the exploration and survey of the Sandwich Islands, (2) the formal acceptance "from the Spanish officers" of "such lands or buildings as are to be restored to his Majesty's subjects," (3) the report on the European settlements in North-west America, and (4) the discovery of a north-west passage from ocean to ocean.

Note 129, page 167.

Captain Hunter.

Captain John Hunter had been appointed second captain, with the rank of post captain, when the *Sirius* had been commissioned for service in New South Wales, probably through the influence of Lord Howe, the First Lord of the Admiralty. Governor Phillip had also received a dormant commission appointing Hunter Governor-in-Chief, in the event of Phillip's death or absence. An excellent biographical memoir of Hunter appeared in the *Naval Chronicle*, vol. vi, pp. 349-367.

Note 130, pages 170, 171, and 262.

Governor Phillip to Lord Sydney, April 14th and 15th, 1790.

Governor Phillip to the Right Hon. W. W. Grenville, March 25th, 1791.

The first two letters are characteristic of Phillip in advocating the claims of others before those of his own. Lord Sydney forwarded the two letters to Under Secretary Nepean for submission to Lord Grenville on December 21st, 1790, and in the covering letter stated that Phillip had made three requests, "the last is leave to return home for the regulation of his private affairs. He makes his last request with much the least earnestness of any of the three." The letter of April 15th was replied to by Lord Grenville on 19th February, 1791 (*see page 225*). It is evident, by the formal request, dated March 25th, 1791, which was repeated in letters dated 21st November and 8th December, 1791 (*see pages 313 and 317*), that Phillip's request for leave was more urgent than his first letter indicated. The exact cause of Governor Phillip's ill-health is not evident, but he had been a great sufferer from the year 1788, when attacks of great pain were recorded during his exploring expeditions and during the celebrations in connection with the birthday of King George III on June 4th, 1788.

Note 131, pages 171 and 188.

Also page 187.

The necessary instructions respecting those convicts, who say their terms of transportation are expired.

The indentures and assignments received from the Surprise are very clear but no account has been sent out by the Lady Juliana for the women who embarked in that ship.

In the adoption of the system of transportation, the British Government seems to have been actuated by a desire to secure the deportation of the criminal class; for although the Government recognised it had no power to prevent the return of expees, it offered no facilities for their repatriation. The British officials were also frequently negligent in transmitting the indenture papers of the convicts, as in the case of the convicts on board the *Lady Juliana* and in several subsequent detachments of convicts from Ireland, possibly showing that the main objective was attained when their deportation was assured.

Note 132, page 175.

The approbation which his Majesty has been pleased to express of my conduct.

See the first and second paragraphs of the Right Hon. W. W. Grenville's despatch numbered 1 and dated 19th June, 1789 (page 120).

Note 133, page 177.

David Collins (and co-signatories).

The respective qualifications were:—

David Collins, Judge-Advocate.

Richard Johnson, Chaplain.

John White, Surgeon.

John Palmer, Acting Commissary.

Augustus Alt, Surveyor of Lands.

George B. Worgan, Surgeon, H.M.S. *Sirius*.

William Balmain, Assistant Surgeon.

Thomas Arndell, Assistant Surgeon.

Geo. Wm. Maxwell, Third Lieutenant, H.M.S. *Sirius*.

Henry Waterhouse, Third Lieutenant, H.M.S. *Sirius*.

James Meredith, Captain of Marines.

Watkin Tench, Captain-Lieutenant of Marines.

Jas. Furzer, Quartermaster-Lieutenant of Marines.

John Poulden, First Lieutenant of Marines.

William Dawes, Second Lieutenant of Marines.

Thomas Davey, First Lieutenant of Marines.

John Long, Adjutant, Second Lieutenant of Marines.

Note 134, page 177.

I am favoured with your letter.

Phillip refers to Grenville's letter of 5th June, 1789, a copy of which has not yet been found. It was probably similar in style to the circular despatches, which were transmitted on the occasion of all changes in the administration.

Note 135, page 178.

I have not received the remittance intended for paying the marine artificers.

In his letter to Under Secretary Nepean, dated November 17th, 1788, Governor Phillip stated that the marines, who had been employed as artificers, desired that specie should be sent out to pay them. Two returns of these artificers were forwarded (*see* pages 81 and 105). The first shipment of specie was brought in the transport *Kitty*, and consisted of 3,870 oz. of silver, in dollars, to the value of £1,001 (*see* page 335); it was not delivered at Sydney until November, 1792, eleven months after the relief of the greater number of the marines.

Note 136, pages 183 and 271.

A very industrious convict, who was told if he behaved well he should have thirty acres.

He has since married, and has a child, both of whom he wishes to take off the public store next Christmas.

James Ruse, the first settler, had been convicted at Bodmin Assizes on 29th July, 1782, and sentenced to seven years' transportation. The land

granted by Phillip is situated at Parramatta, and was named Experiment Farm. On 5th September, 1790, he married Elizabeth Perrey at Rosehill. His methods and results are noted in *The Beginnings of Government in Australia*, pages 15-16.

Note 137, pages 183 and 356.

I am not willing to break through the charter.

The whole will be compleated so as to prevent her coming upon demurrage.

All the vessels, which arrived from England during the government of Phillip with the exception of the ships of the Navy, were under charter to the Commissioners of the Navy. In many cases the charter was concluded on the delivery of convicts and stores at Port Jackson, and the masters and owners had then arranged for voyages to China, India, or the South Sea fisheries. In the charters, a definite period was therefore fixed to allow the convicts to be disembarked and the stores and provisions to be landed. As an example of this proviso, in the charter of the second fleet the period was limited to twenty-one days after arrival at the port of destination, and "in case it should happen that the whole, or any of the said ships, shall be detained longer than the Number of Days above limited, either by Orders from Government, or from the Convicts not being ready to be . . . disembarked," then the contractor was "to be allowed after the Rate of Twenty Pounds per Day for One Thousand Tons of Shipping, and in that Proportion for a greater or less Number of Tons, and likewise Six Pence per Day for each of the said Convicts, in case of Detention in Manner above mentioned."

Note 138, pages 189 and 215.

The letter marked No. 6.

See the despatch of Grenville to Phillip, dated 24th December, 1789, pages 131-134.

Note 139, page 189.

Return relating to the Second Fleet.

The compilation of many early returns is crude and misleading. This return in modern form would be:—

Ship <i>Neptune</i>	{ Embarked.....	424 males	Died on the passage	147 males
	„	78 females	„	11 females
Ship <i>Surprise</i>	„	256 males	Died.....	36 males
Ship <i>Scarborough</i>	„	259 males	Died.....	73 males
Total embarked		1,017 males and females.		
Died before leaving England...		11		
Total sailed.....		1,006		

The addition in the second column of the return transmitted by Phillip, and the presumption of addition in the first column, due to the method of compilation, are wholly misleading.

This return differs from a somewhat similar return submitted to the House of Commons by the Commissioners of the Navy in March, 1792. The total number of convicts landed at New South Wales from these three transports is there given as 757, whereas Phillip's return makes a total of 759, after the twenty convicts, who were brought from the wreck of the *Guardian* in the second fleet, have been added to the figures deduced from this return.

Note 140, page 192.

Take into consideration the state of Norfolk Island where at present no punishment can be inflicted beyond what a Justice of the Peace is authorised to direct.

The administration of justice on the island was at first entirely vested in Lieutenant King, who had been sworn as a Justice of the Peace for the island on 12th February, 1788; but his jurisdiction was summary, and the trial of capital offences was reserved to the Criminal Court at Sydney. Under the criminal code then current, capital crimes were vastly in the predominance, and as the means of communication with Port Jackson was uncertain and infrequent, many capital crimes were dealt with by sentences of corporal punishment, in order to obviate the inconvenience of sending the prisoner and witnesses to Port Jackson. When Lieutenant Creswell was sent to the island with a further detachment of marines in June, 1789, in consequence of an attempted conspiracy amongst the convicts, he also was sworn in as a Justice of the Peace for the island. Prior to Assistant-Surgeon Balmain's departure to take medical charge of the island, oaths for similar office were taken by him on 24th October, 1791 (*see note 213*).

Note 141, pages 192 and 196.

I have, sir, in a former letter.

As is mentioned in my letter No. —.

Governor Phillip refers to his despatch numbered 3, and dated 17th June, 1790 (*see pages 179-184*).

Note 142, page 198.

In consequence of what is said in the letter.

See the despatch of the Right Hon. W. W. Grenville to Governor Phillip, dated 22nd August, 1789 (page 124).

Note 143, page 203.

Within the Time mentioned by the Board.

The time allowed was twenty-one days after the arrival of the ships at the port of destination (*see note 137*).

Note 144, page 213.

The orderly behaviour of those convicts before the Guardian was disabled, and their good conduct after the accident which Lieutenant Riou has strongly represented in his letters, has induced his Majesty to consent that they shall be pardoned.

In a letter written to Secretary Stephens from the Cape of Good Hope, dated 20th May, 1790, Lieutenant Riou testified to the excellent behaviour of twenty convicts who had been on board the *Guardian*; these men had acted as part of the crew, and after the ship had struck the iceberg they were largely instrumental in taking her to Capetown. In accordance with Grenville's instructions, Governor Phillip issued a warrant of conditional emancipation to fourteen of these convicts, dated 16th December, 1791 (*see page 325*).

Note 145, page 216.

So long ago as the month of September I had suggested to Lord Cornwallis the idea of supplying the settlement.

The Right Hon. W. W. Grenville wrote to Lord Cornwallis, the Governor of Bengal, on the 6th of September, 1790. In this letter (*see* note 231), he stated that certain stores might be supplied in abundance from Calcutta at a cheaper rate than a similar supply could be obtained from England or the Cape of Good Hope. He also proposed that a transport should be freighted "with an assortment of such articles only as can be supplied on better terms from Bengal than from England, unless Governor Phillip should state that the settlement under his command is in immediate and pressing want of any other articles."

Note 146, pages 216 and 269.

You are likely to purchase the Snow.

It was thought the snow would be purchased.

This has reference to the Dutch vessel commonly known as the snow Waak-samheyd. She was chartered by Lieutenant Ball in Batavia, and in the charter is described as "the Brig vessel, called De Waak Zaamheid, of Three or Four hundred Tons Burthen." She was freighted for "Jackson's Bay," and for the purposes of the contract was "reckoned to be of Three hundred and Fifty Tons Burthen," and was chartered for eighty-six dollars per ton freight. After her arrival at Port Jackson, she was not purchased by Governor Phillip, but was chartered for a voyage to England.

Note 147, page 216.

I am sorry to learn by your letter to Mr. Nepean.

In the letter to Under Secretary Nepean, dated 15th April, 1790 (*see* page 171), Governor Phillip stated that very few of the expirees amongst the convicts were desirous of becoming settlers, but no letter has been found addressed to Nepean, which had been forwarded in the care of Lieutenant King, and which made a similar statement about the marines. A return of the marines who desired to become settlers was, however, enclosed in a despatch to Secretary Stephens on April 10th, 1790.

Note 148, page 217.

The proceedings of Major Ross and Captain Campbell, according to your representation.

See the despatch of Governor Phillip to Lord Sydney, dated 5th June, 1789 (pages 107-119).

Note 149, page 218.

You should explain to them the opinion entertained upon this subject, in order that any difficulties may in future be prevented.

Shortly after the arrival of the transport *Mary Ann* on the 9th July, 1791, Governor Phillip caused the opinion of the Attorney-General and Solicitor-General (*see* page 224) to be published amongst the commissioned officers.

Note 150, page 218.

His exertions for the public service have not passed unnoticed.

Philip Gidley King was appointed Lieutenant-Governor of Norfolk Island, his commission being dated 28th January, 1790. On 2nd March, 1791, he was promoted from the rank of Lieutenant in the Navy to that of Commander. It is probable that Lord Grenville referred to both of these appointments, in response to the letters of Governor Phillip to Lord Sydney, dated 14th April, 1790, and to Under Secretary Nepean, dated 13th April, 1790 (*see* pages 169 and 170).

Note 152, page 225.

Lord Sydney has transmitted to me a private letter.

See the letter, dated April 15th, 1790, on page 171.

Note 153, page 226.

The vessel that brought the provisions from Batavia.

The Dutch snow *Waaksamheyd* (*see* note 146).

Note 154, page 230.

The additional instructions relative to settlers.

The additional instructions were transmitted to Governor Phillip with the despatch, numbered 3, and dated 22nd August, 1789 (*see* pages 124-128).

Note 155, page 240.

Given in my instructions.

When Lieutenant-Governor Ross was sent to take the command at Norfolk Island he received instructions from Governor Phillip, dated 2nd March, 1790 (*see* Norfolk Island papers, Series III).

Note 156, page 240.

Naming it after her Majesty, Charlottefeld.

Queen Charlotte, the consort of George III.

Note 157, pages 251 and 270.

Since my last letter, two convicts have been emancipated.

The first convict who was emancipated.

The various statements of Governor Phillip with respect to the first emancipations granted are very contradictory. In his letter dated 14th July, 1790 (*see* page 190), he refers to the emancipation of John Irving. In the despatch of 5th November, 1791 (*see* page 270), he stated that the first convict emancipated was one who had been bred to surgery (John Irving), the second was a bricklayer (James Bloodworth), the third was the convict who extinguished the fire on the *Sirius* after the wreck (John Arscott), and the fourth was the wife of a superintendent. In the despatch dated 16th December, 1791 (*see* page 324), Governor Phillip transmitted, in accordance with instructions, duplicates of the warrants of emancipation issued to date.

These copies correspond with the original register of pardons, which is still extant, and number 1 is to John Irving, number 2 to James Bloodworth, number 3 to the superintendent's wife, and number 4 a conditional pardon to fourteen of the Guardian convicts. In the original register, seven absolute and nineteen conditional warrants are recorded as issued by Phillip; and of these twenty-six, seventeen were granted during his last month of office. The date of the first warrant of which a copy is extant is 16th December, 1791.

A possible explanation of these contradictions may be that Governor Phillip issued pardons before he received the seal of the territory on 21st September, 1791. After this date, he may have thought it advisable to re-issue fully-completed warrants in such cases as were at that time necessary.

Note 158, page 254.

Two petty officers remain.

Henry Brewer and Thomas Freeman.

Note 159, page 260.

Governor Phillip to Secretary Stephens.

25th March, 1791.

Secretary Stephens, in his letters dated 20th and 21st July, 1792, acknowledged the receipt of Governor Phillip's letters dated 20th August, 1790, 14th and 26th March, 16th December, 1791, but no acknowledgment of this letter, dated 25th March, 1791, has been found. It was probably desired to allow the subject, to which it related, to be quietly shelved, and no further official action was taken, except the refusal of the court-martial, which was requested by Captain Tench (*see note 33*).

Note 160, page 265.

The Right Hon. Henry Dundas.

The Right Hon. Henry Dundas was born 28th April, 1742. In the Pitt administration, he at first held the office of Treasurer of the Navy; on 8th June, 1791, he succeeded Lord Grenville as Secretary of State for the Home Department. This office he held until 7th August, 1794. He was raised to the peerage on 24th December, 1802, as Baron Duneira and Viscount Melville.

Note 161, page 267.

As mentioned by your Lordship.

See Lord Grenville's despatch, numbered 10, and dated 19th February, 1791, page 215.

Note 162, pages 269 and 323.

The transport mentioned by your Lordship . . . from the north-west coast of America.

The ship . . . from the north-west coast of America.

Phillip was informed of the movements of this vessel in the despatch of 19th February, 1791 (*see page 216*). The vessel was the store-ship *Dædalus*, which carried supplies for Captain Vancouver to Nootka Sound, and arrived in Port Jackson from that port on 20th April, 1793.

Note 163, page 269.

The names and the descriptions of the people are inclosed.

A copy of the enclosed list has not yet been found. On 5th October, 1791, a number of convicts, deserters from Port Jackson, were delivered into the charge of Captain Edwards, of H.M.S. *Pandora*, by the Governor of the Dutch settlements in Timor, and a list of these was forwarded to Governor Phillip by Secretary Stephens with his letter, dated 21st July, 1792 (see pages 368-369). This list differs from that recorded by Collins in his volume (p. 156), as the escapees of March, 1791, by the inclusion of John Butcher and John Simms in the place of Samuel Bird and Samuel Broom.

Note 164, pages 270 and 296.

In my letter No. 4.

A master carpenter.

The reference in the despatch of 5th November, 1791, is to the despatch, numbered 4, and dated 8th November, 1791 (see page 296). It is apparent, therefore, that the despatch dated the 8th was written before that dated 5th November. The master carpenter was John Livingston.

Note 165, page 271.

We have now eighty six settlers.

It will be noticed, on comparison of this statement with enclosure No. 5 (pages 279-282), that Governor Phillip, in his summary, is one short of the correct number, due to taking no cognisance of Phillip Schaffer, a retired superintendent.

Note 166, page 271.

A superintendent.

Phillip, or Philip, Schaffer had been engaged in England, as a superintendent of convicts, and had sailed in the *Guardian*; after that vessel was disabled, he continued the voyage from the Cape in the transport *Lady Juliana*, accompanied by his daughter, aged twelve years. He was by birth a Hessian, and had served as a lieutenant of a corps of Yaghers in America. His farm was situated at Parramatta, and was known as the Vineyard.

Note 167, page 289.

It was necessary to have three subalterns at Norfolk Island with Captain Paterson.

A battalion court-martial was composed of a captain and four subalterns (or two, if more could not be conveniently assembled). The jurisdiction of the court was limited to minor offences committed by non-commissioned officers and men; commissioned officers and serious offences against military law, which were committed by non-commissioned officers and privates, were tried by general court-martial.

Note 168, page 290.

The Deputy-Surveyor.

Charles Grimes. His appointment as Deputy-Surveyor of Roads, to be employed on Norfolk Island, had been notified to Governor Phillip by the Right Hon. W. W. Grenville, in his despatch, dated 16th November, 1790 (see page 214).

Note 169, page 302.

Surveyor-General Alt.

Augustus Theodore Henry Alt, Baron of Hesse Cassel, arrived in the first fleet, holding the office of Surveyor of Lands. Prior to receiving this appointment, his life had been spent in military service. He had received a commission, as ensign in the 8th Regiment of Foot, in the year 1755, and subsequently had served with distinction in various capacities as a British officer in France and Germany and at the siege of Gibraltar. Alt's request for permission to retire was not officially complied with by the Secretary of State until August, 1802, when, in reward for his services, he was placed on half-pay for the remainder of his life. His colonial services, however, had virtually ceased in April, 1797, in consequence of failing eyesight, and his duties had been carried out by a deputy. He died on January 9th, 1815, aged 84 years, and was buried at Parramatta.

Note 169A, page 307.

Despatch No. 1, per H. M. Ship Supply.

This despatch, and that numbered 2, on page 316, were received in England at the end of April, 1792, during the absence on sick leave of Under Secretary Nepean. It is probable that they were both acknowledged by Under Secretary King in the missing despatch noted on p. 350. Phillip's next despatches to Nepean, numbered 3 and 4, were acknowledged by Nepean himself on 12th July, 1792.

Note 170, page 307.

The Vice Admiralty Court.

A Vice-Admiralty Court had been created by Letters Patent, dated 5th May, 1787 (*see* Series IV). Of the court, Lieutenant-Governor Ross was appointed Judge, Andrew Miller Register, and Henry Brewer Marshal, by Letters Patent prepared under warrants of the Commissioners for executing the office of Lord High Admiral, dated 18th April, 1787. The court consisted of the Judge, as president, and six of the Commissioners appointed, "or if so many of you our said Commissioners cannot conveniently be assembled, any three or more of you," together with "any other persons . . . to make up the number of seven."

Note 171, page 307.

The grants of land can be registered.

The method and procedure by which a record of the first grants was kept has not been fully elucidated. The register was most probably kept in the office of the Secretary to the Governor, but in what form is unknown. A return of the first lands granted was transmitted by Governor Phillip with his despatch, dated 5th November, 1791 (*see* pages 279-282), but this is clearly an elaboration and synopsis of the original register. The register of the grants, by which titles to the lands are at present confirmed, is preserved in the office of the Registrar-General, Sydney; it is not a register of the original grants, but a series of re-grants, commenced in the year 1792. These re-grants are recorded in the same order as those in Phillip's return (pages 279-280), up to and inclusive of grant number 40 to William Moulds. The grants numbered 45 to 84, inclusive, were not re-granted by Phillip, but some were by his successors in office. In the register at the Registrar-General's Office, twenty-two grants are dated 3rd January, and fifty-two 22nd

February, 1792, and included amongst the latter are the first four grants to Ruse, Webb, Reid, and Schaffer. All the early grants were issued by Governor Phillip sealed with his private seal. The territorial seal was transmitted to Phillip in H.M.S. *Gorgon*, which arrived in Port Jackson on 21st September, 1791. Phillip's second commission ordered that all grants "are to pass and be sealed by our seal of our territory," and it is probable that Phillip, after receiving the territorial seal, called in all the grants which he had previously made, and issued re-grants. All the original grants and the first register were then probably destroyed, being of no practical value.

Note 172, page 308.

You will see by the return.

The return was forwarded as enclosure, No. 5, to Phillip's despatch of 8th November, 1791 (*see* pages 298-299).

Note 173, page 309.

Any one person who holds two employments increases the inconveniences we labour under . . . for various other purposes.

Instances of officials holding more than the one position are numerous; a few may be noted:—

Major Robert Ross was Lieutenant-Governor, Officer commanding the Marines, and Judge of the Vice-Admiralty Court.

Captain David Collins was Deputy Judge-Advocate of the settlement, Judge-Advocate to the marine detachment, Secretary to the Governor, and Acting-Registrar of grants.

Andrew Miller was Commissary of Stores and Provisions, and Register of the Vice-Admiralty Court.

Augustus Alt was Surveyor of Lands, and a member of the Bench of Magistrates and of the Vice-Admiralty Court.

Note 174, pages 310 and 386.

Form of Grant of Land.

A grant drawn up by an official person would be more regular than anything which has been done here.

Although Governor Phillip evidently possessed doubts as to the competency of himself and the Judge-Advocate in drafting these legal instruments, the form which he adopted was continued in use by successive Governors, with only slight modifications in form and conditions, rendered necessary by experience. The form transmitted with the despatch, dated 18th November, 1791, is a copy of the grant to Philip Schaffer, signed Arthur Phillip, and witnessed by John White, John Palmer, and probably George Johnston. The first modification made was after the territorial seal was received, "the Seal of my Arms" being changed to "the Seal of the Territory," and the words in brackets omitted. In September, 1794, the endorsement "By Command of Governor (or Lt. Gov.), David Collins, Secy. to the Governor," was altered to "Registered in the Secretary's Office, David Collins, Secy. to the Governor." In December, 1794, the first surveyor's description of the land granted was incorporated in the grant. About the middle of 1796, two witnesses, instead of three, became customary. In September, 1796, the following residential clause was added, owing to certain

irregularities which had arisen: "And it is hereby provided that the said . . . shall reside upon and cultivate the lands hereby granted for and during the term of five years from the date hereof provided the said . . . shall so long live, and any sale or conveyance of the said lands before the expiration of the said term of five years shall be void and the said lands shall in such case revert to His Majesty, His Heirs, and successors, except it shall be certified under the Hand and Seal of the Governor or in his absence the Lieutenant-Governor of His Majesty's Colony of New South Wales for the time being that the same was made with his consent."

Note 175, page 313.

The necessity he was under of executing two of the ringleaders.

The following account of the attempted mutiny is preserved. It was forwarded from Madeira, dated 24th April, 1791, and was probably written by Lieutenant Young, who was in charge of the *Albemarle*:—

"On the 9th inst., in latt'd 44° 30' north, longitd. 15° 20' west, a number of the convicts were admitted upon deck early for the benefit of fresh air. In a favourable opportunity (when the principal part of the watch was aloft about the rigging) they made an attempt to take the ship from us, having previously prepared themselves overnight for that purpose. They began with knocking down the sentinels and taking their arms from them, which they easily effected, and were actually making their way aft to the cabin, the principal ringleader going to the helm with a cutlass in his hand he had just taken from one of the sentinels to cut down the helmsman and take possession of the wheel; but, very fortunate for us all, I was upon deck at the time they began the insurrection, and immediately ran to the cabin for my blunderbus, met and shot the ringleader in the right shoulder; feeling the smart of the wound, he down cutlas and run; the others seeing their principal hero flying, immediately followed his example, and flew to the prison room and forehold, and left me in possession of the deck. I then muster'd all hands under arms, and sent a party below to search for those that had secreted themselves; found three of the principals; the first we got up instantly confessed the whole plot, and that the other two were the ringleaders and the original instigators of this horrid scene; upon this information, and one of them being the man I had wounded, it was unanimously thought proper for the futer preservation of the ship and our lives, and to strike terror in the convicts, immediately to hang the two last at the fore-yard-arm; this had the desired effect upon the convicts in general, who immediately sent us a letter confessing all their horrid intentions, and of taking the ship to America.

"We are now very peaceable, and I am in hopes shall continue so during the remainder of the voyage. The Matilda-parted company the first night we left Portsmouth, the Active and Britannia on the night of the 3rd, and the Adm'l Barrington on the 7th in hard gale of wind, so that we had no ship in company."

Note 176, page 316.

I am to request . . . such information . . . for my guidance.

Soon after the settlement was established, the officers evinced some discontent, because no instructions had been issued with reference to the granting of land to officers. When this despatch was acknowledged (*see* page 353), the Right Hon. Henry Dundas did not refer to the subject; but in his next despatch (*see* page 365), he authorised such grants, "provided the allotments are made not with a view to a temporary but an established

settlement thereon." These instructions were received by Lieutenant-Governor Grose, on 15th January, 1793, after Governor Phillip's departure, but Grose had given a grant to Ensign Cummings fifteen days before this authorisation was received. On 12th February, 1793, he issued seven grants to officials (*see* page 438).

Note 177, page 316.

A mistake having happened . . . regular in future.

It is difficult to understand the meaning of Governor Phillip by this statement. Phillip's first despatch to Lord Grenville was dated June 14th, 1790, and the series, numbered 1 to 10, per store-ship *Justinian*, correspond in the endorsements and acknowledgments (*see* footnote page 327); the second series, per the *Waaksamheyd*, numbered 1 to 6, also correspond in like manner (*see* footnote, page 353). The only evident mistake is in the third series, which is the one mentioned as where the correction is made. In this series, number 1 is dated 5th November, 1791, and number 4, 8th November, whereas number 4 was written before number 1 (*see* note 164). A possible explanation is, that Phillip had found that the numbers and dates had not corresponded chronologically with the order of writing in the two previous series.

Note 178, page 317.

Governor Phillip to Lord Grenville.

This despatch is a literal copy of Governor Phillip's despatch of the 21st November, 1791 (*see* page 313), and received a separate acknowledgment. It is evident that Phillip, in this instance, departed from his usual custom of simply forwarding a duplicate. In doing this, Phillip probably desired to accentuate the urgency of his application for leave.

Note 179, page 319.

A copy of this despatch has not yet been found.

This despatch transmitted the details of a dispute between Captain Nepean and Lieutenant John Macarthur, both officers of the New South Wales Corps. The nature of the quarrel has not yet been elucidated, for not only has no copy of this despatch been found, but also none of Major Grose's letter (dated 8th December, 1792), which detailed the "honourable settlement without the intervention of a general court-martial" of the differences between the two officers. Until the ship was near the Equator, Nepean and Macarthur had been fellow passengers on the transport *Neptune*. The voyage had hardly commenced before Macarthur had quarrelled with Nepean and the master of the transport, mainly with reference to the accommodation provided on board ship. Whether this was the culmination of a dispute is uncertain; but on arrival in Port Jackson, Macarthur made application for a court-martial, and charges and counter-charges were made between the disputants. From Sir George Yonge's letter (*see* page 360), in reply to this despatch of Phillip, the charges against Nepean appear to refer, in part at least, to events subsequent to the arrival in Port Jackson, for the evidence of marine officers was considered essential; whereas the counter-charges against Macarthur dealt with his conduct prior to leaving England. Whatever the dispute was, Mrs. Macarthur wrote, on 7th March, 1791, that Nepean "has, I believe, a great friendship for Mr. Macarthur," and on 25th May, 1793, a letter was despatched from the War Office, stating that the "honourable settlement" was "entirely approved of." Captain Nepean was a brother of Under Secretary Nepean.

Note 180, page 320.

Marine Corps.

On comparing this return with that, dated November 18th (*see* page 314), it is evident that during the interval of one month the number of corporals had increased by two, of drummers diminished by one, and of privates by thirty-one, or a net decrease of thirty. In the return of settlers transmitted by Phillip on 15th December, twenty-three settlers are recorded "from the marines ready to embark," and if these are deducted from the decrease of thirty, only seven are unaccounted for.

Note 181, page 323.

Your Lordship's letter, I presume, alludes to the business of the Criminal Court and to the night watch.

See Lord Grenville's despatch, pages 217-218.

Note 182, page 326.

Their Lordships' letter of the 8th of August, 1788.

Phillip evidently refers to the letter, dated 8th October, 1786, by the terms of which the marines enlisted (*see* note 72).

Note 183, page 328.

Do not think it . . . necessary to limit you to any given number of convicts to be assigned to individuals.

For assigned servants (*see* note 96). This order from the English authorities gave the Governor discretionary power in the assignment of convicts to settlers and others. The subsequent orders and instructions, which were given by successive Secretaries of State, indicate a remarkable change of policy, and this was the cause of considerable discontent in the colony. (*See* pages 442, 470, 495, 534, 558, and 646-648.)

Note 184, page 328.

His letter No. 10.

The despatch dated 19th February, 1791 (*see* pages 214-219).

Note 185, page 329.

A letter . . . from Major Ross dated the 29 August, 1790.

See Norfolk Island papers, series III.

Note 186, page 330.

Mr. Murphy.

This is the only mention of this man in the despatches and the papers which accompanied them. His services have not yet been defined.

Note 187, pages 334 and 353.

The master . . . has absconded.

The treatment of the convicts on board the Neptune, Scarborough, and Surprise.

The master was Donald Trail, formerly a master in the Navy under Lord Nelson. The ill-treatment of the convicts was principally on the *Neptune*, and one out of every three transportees died on that ship (*see* p. 189).

Note 188, page 335.

The Right Hon. Henry Dundas to Governor Phillip.

The transport *Kitty* sailed from England in March, but did not arrive in Port Jackson until 18th November, 1792, whereas the transport *Royal Admiral* sailed on 30th May, and arrived 7th October, 1792. The consequence was that Dundas' despatch, dated 15th May, 1792, was acknowledged by Phillip before he had decided to leave the colony, whereas the despatch dated 10th February was not.

Note 189, pages 336, 344, 345, 349, and 350.

Per transport Pitt to Bengal, and thence to England.

These despatches were not acknowledged, as they were delivered in England but a short time before Phillip's arrival.

Note 190, page 336.

Mine by the Supply and by his Majesty's ship Gorgon.

See despatches commencing on pages 267, 289, 294, and 322.

Note 191, page 337.

What provisions have been rec'd from Batavia.

The stores that had been procured by Lieutenant Ball and shipped on the armed tender *Supply* and on the snow *Waaksamheyd*, in 1790.

Note 192, page 337.

The last ships.

The transports *Active*, *Queen*, *Albemarle*, *Britannia*, and *Admiral Barrington*.

Note 193, page 340.

I have attended to the land at and around Parramatta.

The farms of these settlers, most of their names, and their methods of working, are well described in Tench's *Complete Account of the Settlement at Port Jackson*, pages 146-158.

Note 194, page 344.

Mr. Fane Edge.

Mr. Richard Atkins.

Fane Edge and Richard Atkins, in company with Lieutenant-Governor Grose, arrived in Port Jackson by the transport *Pitt* on 14th February, 1792. Richard Bowyer Atkins was the fifth son of Sir William Bowyer Atkins, Bart. Shortly after his arrival, he was appointed a Justice of the Peace and was sent by Phillip to reside at Parramatta. He subsequently succeeded Richard Dore, as Judge-Advocate, and took a leading part in the stirring events at the beginning of the nineteenth century.

Note 195, page 349.

A letter to Lord Sydney, dated the 19th of August, 1790.

This letter was forwarded to Governor Phillip as enclosure No. 2 (see page 222) to the despatch of Lord Grenville, dated 19th February, 1791.

Note 195A, page 350.

The Estimates.

A copy of the estimates from 10th October, 1792, to 10th October, 1793, was transmitted by Under Secretary Nepean with his letter, dated 12th July, 1792 (see page 362).

Note 196, page 350.

A triplicate of my letter to Lord Grenville before the receipt of this letter.

The triplicate referred to is of the despatch dated 21st November, 1791 (see page 313).

Note 197, page 351.

Also page 355.

The observations made by the Commissary will be attended to in the future purchase of articles for New South Wales.

On 23rd November, 1791, Acting-Commissary Palmer reported very adversely on the quality of the stores. He stated, for instance, that there was not a week's wear in the oznaburgs, either as shirts, frocks, or trousers. (See Series II, vol. 1.)

Note 198, page 353.

The examinations you have taken and transmitted to me.

See enclosure No. 6 (pages 283-288) of despatch, numbered 1, and dated 5th November, 1791.

Note 199, page 353.

I recommend your caution yet I should have been better satisfied with your having made a seizure of them.

Phillip reported his actions with regard to the clandestine shipments of goods in the transports of the third fleet, in his despatch dated 8th November, 1791 (pages 294-297).

Note 200, page 354.

The settlement of Fort William.

The modern city of Calcutta.

Note 201, page 355.

I shall enclose in this letter.

No enclosures to this letter have been found, and if sent they may have been placed in a separate packet in the despatch-box.

Note 202, pages 357, 371, 378-9, 380, 382, 390, 392-3, 396-8, and 400-1.

Per store-ship Britannia to the Cape of Good Hope, and thence to England.

The store-ship *Britannia* sailed for the Cape of Good Hope on 24th October, and Governor Phillip himself sailed on the transport *Atlantic* on 11th December, 1792. He overtook his own despatches in transit, which were dated 26th June and on and after 2nd October, 1792; he accordingly delivered them in person on his arrival in London.

Note 203, page 358.

By the letter.

This probably refers to a letter of Governor Phillip, dated 24th October, 1791, a copy of which has not yet been found.

Note 203A, page 361.

Mr. Secretary Donovan.

Stephen Donovan was midshipman of the *Sirius*, when the fleet arrived in Port Jackson. In October, 1788, he was sent in the store-ship *Golden Grove* to Norfolk Island to supervise the landing of the stores and the clearing of the ground. When the *Sirius* was wrecked, in March, 1790, he displayed great bravery, for which Phillip recommended his promotion. He subsequently acted as midshipman on the *Supply* and pilot at Norfolk Island. The word "superintendent" was the correct appellation, and not "secretary."

Note 203B, page 361.

Your Letters numbered 3 and 4.

See page 317.

Note 204, page 365.

I approve of your having exercised your discretion with respect to the allotments granted to the late settlers.

The Right Hon. Henry Dundas probably refers to the action of Governor Phillip in modifying the policy of making Crown reservations between each grant, which he had been instructed to adopt. Phillip adopted this course to obviate the difficulties of fencing which were entailed, and to allow neighbouring settlers to afford each other mutual protection against the blacks. (*See Phillip's despatch, dated 5th November, 1791, page 272.*)

Note 205, pages 371, 398, and 400.

Nothing will detain her a moment after the ship is ready for sea.

I shall wait the arrival of the next ship.

As to myself I have still to wait the arrival of another ship.

When Phillip wrote his despatch of 2nd October, he evidently had no immediate intention of leaving the colony. On the 7th October, he received the despatch of the Right Hon. Henry Dundas, dated 15th May, 1792, and, in the concluding paragraph (*see page 355*), Dundas, almost as an after-thought, referred to Phillip's leave of absence. The impression conveyed thereby to Phillip was not that of a full compliance with his request, and he determined to await the arrival of the next ship. Even four weeks before the intended

date of sailing of the *Atlantic*, Phillip had not decided to relinquish his charge (*see* page 400). If Phillip had awaited the arrival of the next ship (the store-ship *Bellona*), he would have been further disappointed, as the despatches, which were then transmitted, made no reference to his desired leave. It is remarkable that the Secretary of State should have dealt with Phillip's request in such an ambiguous form, and should have made no subsequent confirmation of the leave desired. The *Atlantic* sailed in the morning of 11th December, 1792, and Phillip had decided to embark in her six weeks previously. The reason of Phillip's hurried decision is not apparent, for throughout the correspondence he had displayed the greatest diffidence in leaving his duties.

Note 206, page 375.

The person now charged with that duty.

Thomas Freeman, who had been appointed to act as Deputy Commissary of Stores and Provisions at Norfolk Island by Governor Phillip on 10th July, 1790.

Note 207, page 375.

A sergeant of marines.

Sergeant Thomas Smith.

Note 208, page 375.

*One is become a settler a second has been discharged
and a third will be discharged, as wishing to become a
settler.*

These three were Philip Schaffer, William Thomas Doidge, and John Davis.

Note 209, page 376.

The fifteen families of quakers will come by that conveyance.

In the year 1791, John Sutton, on behalf of himself and fifteen families of Quakers, proposed to become settlers on the following conditions:—"Passage to be provided by Government; lands to be granted free of expence; to have an assortment of tools and implements out of the public stores; to have two years' provisions; the service of convicts to be assigned to them free of expence; such convicts to have two years' rations and one year's clothing." These conditions were agreed to by the Government, and passages were offered to them on the store-ship *Bellona*. The Quakers, however, did not avail themselves of the concessions, and their proposition lapsed. The same conditions, however, were accepted by the first free settlers, and they were provided with passages on the *Bellona*.

Note 210, page 376.

In the enclosure marked A.

In the enclosure marked A (*see* page 333) of the despatch dated 10th January, 1792, to which that dated 2nd October is a reply, the number of gallons are given as 9,278. The figures given by Phillip would have supplied the settlement for only one year, and a possible explanation is that an invoice, marked A, of a smaller shipment was also sent, and it is to this that Phillip refers.

Note 211, page 380.

I have no lawyer to consult.

Captain David Collins, as Judge-Advocate, was the legal chief of the settlement, and in charge of the administration of justice on land, which was fulfilled by methods very similar to those of courts-martial; he was a capable officer, but when Phillip required his advice with regard to the East India Company's charter or kindred subjects, his limitations were felt. It is indeed remarkable that under this *régime* mistakes were few and of a minor kind, when it is remembered that it was necessary to prepare land grants, warrants of emancipation, and all the varied processes for the law courts.

Note 212, page 382.

That part of your letter (No. 2).

See the third paragraph of the despatch of the Right Hon. Henry Dundas, dated 10th January, 1792 (page 328).

Note 213, page 384.

The want of a criminal court.

The Letters Patent establishing a Criminal Court at Norfolk Island were forwarded with the Duke of Portland's despatch to Governor Hunter, dated 31st January, 1797 (*see* vol. II, page 3 *et seq.*; *see* also note 140).

Note 214, page 385.

In a former letter.

See the despatch dated 14th July, 1790, page 192.

Note 215, page 385.

The plan laid down for their becoming independent of the store.

See Major Ross's two general orders detailing the plan, on pages 241-245.

Note 216, page 385.

Granted him a lease the rent to commence at the expiration of the fifth year.

This land, which was leased to Lieutenant-Governor Grose, now forms the site of the University of Sydney. The land leased commenced near what is now known as Broadway, and lay on the south side of the Parramatta-road, extending over the crown of the hill towards the University Oval.

Note 217, page 390.

In the return of settlers.

On reference to enclosure No. 1, it will be observed, that when Phillip wrote the despatch, it was probably intended to transmit a more detailed return, as he mentions the area granted to Arndell in the despatch, but in the return enclosed no mention is made of the acreages granted.

Note 218, page 392.

Pursuant to Lord Grenville's letter of the 7th of November, 1791.

Governor Phillip has confused the date of his own letter with that of Lord Grenville's despatch on this subject. In a despatch, dated 24th December, 1789 (*see* page 133), permission was given Phillip to nominate three officers of the marines to an extra company in the New South Wales Corps. On 7th November, 1791, Phillip wrote (*see* page 289) that, if the company had been raised, he would have given it to Captain Lieutenant George Johnston.

Note 218A, page 395.

Per store-ship Speedy.

This despatch is recorded as having been transmitted by the store-ship *Speedy* in the letter-book of Lieutenant-Governor Grose. The *Speedy*, however, did not sail from Spithead until 26th December, 1793, and arrived in Port Jackson on 8th June, 1794.

Note 219, page 398.

For which I am now very sorry.

Governor Phillip reported that goods had been carried clandestinely by the transports of the third fleet in his despatch, dated 8th November, 1791 (*see* page 295), and the Right Hon. Henry Dundas, in his reply, dated 15th May, 1792, stated that he would have been better satisfied if Phillip had made a seizure of the goods (*see* page 353).

Note 220, page 398.

My letter marked No. 2.

See the despatch, dated 2nd October, 1792 (pages 373-375).

Note 221, page 400.

The Ship is clearing.

The transport *Royal Admiral*, of which Captain Essex Henry Bond was master, sailed for Canton on 13th November, 1792.

Note 222, page 400.

Your voyage has restored your health.

Governor Phillip refers to a voyage undertaken by Nepean to the West Indies in search of health towards the end of the year 1791 and the beginning of the year 1792.

Note 222A, page 403.

Also page 405.

In the absence of Captain John Hunter.

On the 28th April, 1787, fifteen days before the sailing of the first fleet, Lord Sydney forwarded to Governor Phillip a dormant commission, appointing Captain John Hunter Governor of the territory, in case of Phillip's death or absence from the government. In the covering letter Lord Sydney stated that it was necessary "that an officer properly qualified to execute that trust" should "be appointed to succeed." This action superseded the provisions for a vacancy in office made in Phillip's second commission (*see* page 8).

Note 223, pages 405 and 441.

Per transport Boddingtons.

By the Sugar Cane.

It was probably intended to transmit this letter by the transport *Sugar Cane*, but the despatch acknowledged by Lieutenant-Governor Grose was received by the transport Boddingtons. The latter transport sailed from Cork on 15th February, 1793, whilst the former did not sail until 13th April, and the despatch was thus forwarded by the first vessel to sail.

Note 224, page 405.

Two letters which Mr. Secretary Dundas has written.

This is a mistake of Under Secretary King. On an examination of enclosure No. 1, it will be seen that it is signed by Lord Grenville, who, at the time the letter was dated, was Secretary of State for the Foreign Department. The second letter alone is signed by Mr. Secretary Dundas.

Note 225, page 407.

Our joint letter and proposals dated August, 1790.

See the letter forwarded as enclosure No. 2 to the despatch dated 19th February, 1791 (page 222).

Note 226, page 413.

A lieutenant of the Navy.

Lieutenant Richard Bowen. See the *Naval Chronicle*, vol. XXIII, p. 358.

Note 227, pages 414 and 415.

The established ration.

While on a reduced ration to make some little distinctions between the convicts and the civil and military people.

The established weekly ration had been settled by Governor Phillip on 3rd December, 1792, and consisted of flour, 3 lb.; rice, 5 lb.; pork, 4 lb., or beef, 7 lb.; dholl, 3 lb.; and oil, 6 oz.; this was an increase of 1 lb. of flour on the previous weekly ration issued. On 17th December, Lieutenant-Governor Grose altered this by ordering the Commissary to issue 6 lb. of flour and 2 lb. of rice per man per week to the officers of the civil and military departments, the soldiers, superintendents, watchmen, overseers, and settlers from the marines. This was a direct reversal of the practice adopted by Governor Phillip; he had made no distinctions whatsoever, and, when the commissariat had been impoverished, had even added his own private store of flour to the public stores, and had drawn for himself the ration established for each individual in the settlement.

Note 228, pages 415 and 419.

Mr. Considen.

Your instructions.

The instructions were conveyed in the despatch dated 14th July, 1792 (see page 366).

Denis Considen was first assistant surgeon to the settlement. During his sojourn in the colony he became the pioneer of pharmaceutical research, and had discovered the antiscorbutic properties of the native sarsaparilla, and the value of an infusion of the "wild myrtle" in the treatment of dysentery.

Note 229, page 416.

The gentleman I have appointed is known to Dr. Hunter.

Dr. John Hunter was the famous anatomist. The appointment of Laing was not confirmed, and he returned to England in December, 1794.

Note 230, page 416.

The settlers are placed in situations of their own choosing.

The names of the settlers are enumerated in enclosure No. 3, on page 367. Rose received a grant of 120 acres, Thomas Webb and Powell 80 acres each, and Joseph Webb and Meredith 60 acres each. The land which they selected was named Liberty Plains, and is situated in the neighbourhood of the modern suburbs of Homebush and Strathfield.

Note 231, page 419.

The letter dated the 6th of September, 1790.

THE RIGHT HON. W. W. GRENVILLE TO LORD CORNWALLIS.

My Lord,

Whitehall, 6th Sept., 1790.

The expence with which the conveyance of provisions and live stock from this country and the Cape of Good Hope to the settlement in New South Wales has been attended has led his Majesty's ministers to consider of some plan for obtaining supplies from a situation more contiguous and upon more moderate terms.

On consulting several gentlemen who have resided in India on this subject, I have been given to understand that flour, rice, pulse, ghee, live stock, spirits, &c., are constantly to be had at Calcutta in the greatest abundance, and at prices far below the amount which those articles, or others of a similar nature, supplied to New South Wales from hence, have cost to Government. In consequence of this information it has been determined that one of the transports now ordered to be taken up for the purpose of conveying convicts to New South Wales, shall, after landing them, be dispatched from thence by Governor Phillip, who will be directed to apprise your Lordship, or the commander-in-chief of his Majesty's forces in India for the time-being, by her, of the situation of the settlement, and of the particular supplies which may be most wanted there.

I enclose a calculation which has been made of the prices at which the several articles therein mentioned can be supplied from hence or from the Cape, from which a judgment may be formed of the articles which can most advantageously be furnished from Bengal, and the transport is, as soon as possible, to be re-dispatched to New South Wales with an assortment of such articles only as can be supplied on better terms from Bengal than from England, unless Governor Phillip should state that the settlement under his command is in immediate and pressing want of any other articles. Your Lordship will direct the person whom you shall entrust with the detail of this business to procure such articles on the most moderate terms, and as soon as you shall have redispached the transport you will draw upon the Lords of the Treasury for the amount of the purchases you shall have made, sending at the same time a particular account of the expence of each separate article, in order that a judgment may be formed of the cheaper mode of supply in future.

It will probably be more than twelve months from this date before the transport can reach Bengal. In the meantime, I shall hope to have the

honour of hearing from your Lordship, or the commander-in-chief for the time-being, on this subject, and of being furnished with a particular statement of the several articles which in your opinion can be obtained in Bengal, or in any other part of India, for the supply of the settlement upon more advantageous terms than they can be provided from hence or from the Cape.

I have, &c.,

W. W. GRENVILLE.

Note 232, page 420.

A whaler.

The Chesterfield, of London, southern whaler; Matthew Alt, master.

Note 233, page 427.

Lieutenant-Governor Grose to the Right Hon. Henry Dundas.

This despatch refers to the fulfilment of the instructions, which were received by Governor Phillip on 28th June, 1790, when the transport *Neptune* arrived in Port Jackson. The Spanish corvettes sailed from Cadiz on 30th July, 1790. The expedition was under the command of Don Alexandro Malaspina, who sailed in the *Descubierta*, and the second in command, and captain of the *Atrevida*, was Don José de Bustamante y Guearr. After a long voyage on the coasts of North and South America, and amongst the islands of the South Seas, they returned to Cadiz on 21st September, 1794. Both vessels were built expressly for the expedition.

Note 234, pages 427 and 428.

Per ship Shah Hormuzear.

When these two despatches reached England, Governor Hunter had not yet sailed, and any comment that was necessary was probably made to him verbally. Hence there were no acknowledgments.

Note 235, page 428.

The melancholy end of Lieutenant Hergherst and Mr. Gootch, the astronomer.

Lieutenant Hergest and Mr. Gooch were massacred by natives in the Marquesas Islands on 7th May, 1792.

Note 236, page 440.

31st June, 1793.

This is a striking instance of carelessness in the use of dates.

Note 237, page 441.

"And it is hereby provided was made with his consent."

This conditional clause was ordered in consequence of Governor Phillip's report, which was contained in his despatch, dated 4th October, 1792, detailing the motives of many persons in obtaining grants. The instructions were ignored by Lieutenant-Governor Grose and his successor, Captain Paterson, and the clause was not incorporated in the grants until September, 1796, during the administration of Governor Hunter.

Note 238, pages 442 and 443.

The Judge-Advocate, Mr. Collins, has his Majesty's permission to return to England.

Mr. White, the chief surgeon, has applied for leave to return home.

Collins wrote to the Right Hon. Henry Dundas on 5th December, 1792, requesting permission to return to England on account of "some very urgent private and family affairs." He, however, did not avail himself of the privilege when granted until September, 1796, as his services were urgently required in the colony.

White applied for leave of absence about the same time as Collins. It was subsequently granted, and he sailed in the *Dædalus* on 17th December, 1794.

Note 239, page 446.

Also pages 451, 454, 461, 463, 466, 468, 474.

Per store-ship Britannia to Batavia and thence to England.

No acknowledgments of these letters and despatches have been found. Lieutenant-Governor Grose's despatches, bearing the dates 3rd September, 4th September, and 12th October, 1793, were delivered in England after Captain Hunter had been appointed Governor, and before he had sailed for the colony. It is probable, therefore, that any discussion, which was rendered necessary by the subject-matter of the despatches, was made verbally at the Home Department. Grose's despatch, dated 3rd May, 1794, would not require an acknowledgment. The despatches from England carried by the store-ship *Indispensable*, and the transport *Surprise*, were delivered at the settlement on 24th May, and 25th October, 1794. Prior to the former date, Grose had determined to leave the settlement, and, subsequently, excepting the two despatches dated in December, he wrote only four despatches, three of which are very brief. It is therefore probable that Grose never acknowledged the letters by the *Indispensable* and *Surprise*.

Note 240, page 447.

Mr. King's letter.

See the despatch of Under Secretary King to Governor Phillip, dated 21st December, 1792 (page 405).

Note 241, pages 451, 479, and 594.

The Rev. R. Johnson to the Right Hon. Henry Dundas.

Amongst the buildings that have been erected since the departure of Governor Phillip a church has been built . . . there is no place for public worship excepting a building put up at his own expence.

None having yet been built except a temporary thatch'd house erected by the clergyman.

The erection of the first church in Australia is aptly described in the letter of the Reverend R. Johnson. There has not yet been found any contemporary evidence as to its exact site, except a statement that it was on the east side of Sydney Cove; in Foulds' *Sydney in 1848* (page 11), the situation is stated to have been "at the back of the huts on the east side of the cove, near to what is now the corner of Hunter and Castlereagh streets." It was built of strong posts, wattles, and plaster, and was covered

with a roof of thatch. The first service was held in it on 25th August, 1793. It stood for five years, being also used as a school, in which from 150 to 200 children were educated. It was burnt down in the evening of 1st October, 1798, probably by incendiaries. The repayment to Mr. Johnson of the expenses incurred in the building was authorised by the Duke of Portland in a despatch to Governor Hunter, dated 31st January, 1797 (*see* vol. II, page 2).

The statement of Lieutenant-Governor Grose, in his despatch dated 5th July, 1794, that a church had been erected since Governor Phillip's departure, is difficult of reasonable explanation. If he intended the Secretary of State to understand that he, as administrator of the government, had caused one to be erected, he is impliedly contradicted by the statements of Governor Hunter in enclosure No. 1 to the despatch dated 20th August, 1796, and in the despatch dated 10th January, 1798 (*see* vol. II, page 112). The whole tone of this letter seems to indicate a feeling of malice on the part of Grose towards the Reverend Richard Johnson.

Note 242, page 455.

Per store-ship Indispensable.

It will be noted that this was an alteration of the intention to transmit the despatch by the *Speedy*, as was determined at the time when the letter was written.

Note 243, page 455.

His Majesty's ships the Supply and ———.

The original is blank after the word "and." His Majesty's ships *Supply*, *Providence*, and *Reliance* sailed from England in company on 25th February, 1793.

Note 244, page 458.

Mr. Arundell.

The assistant-surgeons shall succeed to the office of chief surgeon by rotation.

The Right Hon. Henry Dundas, in writing Mr. Arundell, referred to Thomas Arndell, who had been appointed second assistant-surgeon in the first establishment. The medical staff consisted of a principal surgeon, who was officially styled "Surgeon to the settlement," and a first, second, and third assistant-surgeon, who were sometimes officially styled "surgeon's mates." From the commencement of the colony, this staff was assisted by John Irving, who had arrived as a transportee. After his emancipation in December, 1791, he was appointed to the medical establishment, as junior assistant surgeon. The surgeon received a salary of £182 10s. per annum, the three mates £91 5s. each, and the assistant £50.

Note 245, page 463.

Also pages 468, 542, 543, 568, and 666.

Muir, Palmer, Margarot, and Skirving.

Thomas Muir, Thomas Fyshe Palmer, Maurice Margarot, and William Skirving arrived in Port Jackson on 25th October, 1794. Together with Joseph Gerrald, who arrived in the store-ship *Sovereign*, on 5th November,

1795, they formed the little group, commonly known as the Scotch martyrs. They had been tried for political offences, and sentenced to terms of transportation. Their trials and sentences had caused considerable public comment, and are fully reported in Howell's *State Trials*, vol. XXIII. Although they were transported, they were not convicts of the ordinary type, differing in the fact that their services, during their term of transportation, were not assigned to the Governor or Lieutenant-Governor for the time being; and so long as they did not attempt to leave the colony their personal freedom was assured. When the first four arrived in the *Surprise*, Lieutenant-Governor Grose set apart for each individual a separate brick hut in a row on the eastern side of the Tank Stream. Palmer, Gerrald, and Skirving caused little trouble in the colony. Gerrald died of consumption on 16th March, 1796, and Skirving of dysentery three days later; Muir escaped in the American ship *Otter* on 18th February, 1796. Palmer lived in the colony until his term had expired, but on the voyage home was made a prisoner of war by the Spaniards, and died at Guam, one of the Ladrone Islands, on 2nd June, 1802. Margarot, whose character was of a very low type, lived to return to England, and died in penury on 11th November, 1815.

Note 246, page 464.

The Savoy.

The Savoy was the name of a prison in London, to which military offenders were sent.

Note 247, page 464.

In the room of Captain Phillip, who has resigned.

On the 23rd July, 1793, Governor Phillip wrote to the Right Hon. Henry Dundas, tendering his resignation, "being convinced by those I have consulted that the complaint I labour under may in time require assistance which cannot be found in a distant part of the world, and that the time in which such assistance may become necessary is very uncertain." The resignation was accepted, and a pension of £500 per annum was granted to him for meritorious services.

Note 248, page 468.

29th April, 1794.

In acknowledging this despatch, the date is quoted as 30th April, 1794.

Note 249, page 468.

The receipt of your letter.

See the despatch of the Right Hon. Henry Dundas, dated 31st June, 1793 (page 440).

Note 250, page 469.

They are all in good barracks.

The barracks for the non-commissioned officers and men of the marines were erected on the site, which lies to the south of Jamieson-street, and to the west of George-street. The officers' quarters were situated on the higher ground to the west of these barracks.

Note 251, pages 469 and 474.

The order relating to all future grants of land will be obeyed.

Of the fifty-nine grants . . . for one hundred and twenty.

Lieutenant-Governor Grose entirely ignored the instructions *re* the granting of land which he received in the despatch dated 31st June, 1793 (page 441). See also note 237.

The summary of the grants signed by Grose does not agree with the tabular statement he transmitted. In the latter there are enumerated three grants of 110 acres each, instead of two, five of 100 acres, instead of six, and thirty-five of 30 acres, instead of thirty-four.

Note 252, page 474.

Wounds I had formerly received in the service.

The wounds referred to were received by Lieutenant-Governor Grose in America, where he had served, first as ensign, and subsequently as lieutenant in the 52nd Regiment. At the storming of Fort Montgomery, and in the action at Monmouth Court-house, he was wounded; and when his regiment returned to England he was left behind as the result of his wounds. After his return, invalided in 1779, he was attached to the 85th Regiment, first as captain, and afterwards as major; and in June, 1789, he was authorised to raise the New South Wales Corps. The nature of his wounds is unknown, but as he was invalided at a subsequent period for two years (May, 1807, to May, 1809), the effects of them must have been severe.

Note 253, page 475.

The Right Hon. Henry Dundas to Governor Hunter.

This despatch is endorsed number 1, and forms part of the series of Governors' despatches; but it was written and forwarded to Governor Hunter prior to his departure from England, and before he had assumed the actual government of the colony.

Note 254, page 475.

Lieutenant-Governor Grose's late despatches received by the Kitty.

The reference to the sale of sheep by the settlers is in the despatch, dated 9th January, 1793 (page 414). This despatch was transmitted by the American ship *Hope*, a duplicate forwarded in the store-ship *Bellona*, and a triplicate in the ship *Shah Hormuzear*. It is unlikely that another copy was forwarded in the transport *Kitty*, which sailed for England on 4th June, 1793, and it is therefore probable that the Right Hon. Henry Dundas has erred in quoting the correct despatch.

Note 255, page 481.

Some circumstances that have lately occurred there.

The reference is to the serious disturbances which had taken place on Norfolk Island, between March, 1793, and March, 1794. They were almost entirely due to quarrels between the military and the other inhabitants, and were somewhat encouraged by Grose's policy of giving preference to the former. The full details are given in the despatch of Lieutenant-Governor King to the Right Hon. Henry Dundas, dated 10th March, 1794 (*see* Series III, Norfolk Island Papers).

Note 256, page 483.

Mr. Bampton has dispatched a small vessel.

William Wright Bampton had entered into a contract, dated 10th April, 1793, to procure cattle and stores for the settlement, and in part fulfilment he despatched the snow *Fancy*, which arrived in Port Jackson on 9th July, 1794. She carried 38 tons of rice, 38 tons of dhol, and 24 bags of seed wheat.

Note 257, page 483.

The gentleman.

The despatches were entrusted to Mr. David Wake Bell and Mr. Richard Kent, who had been charged with the medical supervision of the convicts on board the transports *Boddingtons* and *Sugar Cane*.

Note 258, page 484.

Lieut.-Governor Grose to the Right Hon. Henry Dundas.

The original of this despatch was forwarded *per* the transport *Surprize*; the duplicate was carried by Grose himself in the store-ship *Dædalus* and was sent to the Secretary of State on the arrival of that ship at Cork, with a covering letter, dated 28th June, 1795.

Note 259, page 484.

Your despatches by the Surprize.

The Secretary of State wrote one despatch by the *Surprize*, dated 15th February, 1794 (*see* page 464). His Under Secretary wrote two, dated 14th February, 1794 (*see* page 463), and 26th April, 1794 (*see* page 468). The transport *Surprize* sailed from England on 2nd May, and arrived in Port Jackson on 25th October, 1794.

Note 260, page 485.

Jas. Bain, Jno. Harris, Thos. Laycock.

Bain was chaplain, Harris surgeon, and Laycock quarter-master of the New South Wales Corps.

Note 261, page 489.

Mr. White, and Mr. Laing.

John White was surgeon to the settlement on leave, and Edward Laing was surgeon's mate, attached to the New South Wales Corps.

Note 261, page 491.

A copy of Lieutenant-Governor Grose's last despatch has not yet been found.

This despatch was forwarded in the *Surprize*; a duplicate was taken by Grose on his departure, and Paterson's copy was a triplicate.

Note 262, page 490.

The master.

E. McClellan was the master of the snow *Experiment*.

Note 263, page 490.

Which ship was, unfortunately, lost soon after her departure from Bombay.

This ship was called the *Neptune*, and in the attempt to sail against the monsoon was lost in the river.

Note 264, page 491.

A brig of one hundred and fifty tons; no interruption . . . whatever was given by the natives.

The brig was the *Fancy*, Captain Dell. She lay in the river Thames, New Zealand, for three months. The crew had one encounter with the Maoris, in which two of the native men and one woman were killed.

Note 265, page 495.

The reasons assigned . . . are insufficient and erroneous.

The Duke of Portland referred to the penultimate paragraph of Lieutenant-Governor Grose's despatch, dated 29th April, 1794 (*see* page 470, and also note 183).

Note 266, page 495.

Lieutenant-Governor Grose states.

See Grose's despatch, dated 5th July, 1794 (page 479).

Note 267, page 496.

His quitting his government . . . without previous communication with Lieut.-Governor Grose.

In a despatch to the Right Hon. Henry Dundas, dated 19th November, 1793 (*see* Series III, Norfolk Island Papers), Lieutenant-Governor King detailed the circumstances of his visit to New Zealand. He sailed from Norfolk Island on 8th November, 1793, in the store-ship *Britannia*, taking with him the two Maoris who had been brought to the island for the purpose of giving instructions as to the manufacture of flax. He returned on 18th November. During his ten days' absence, he had left the government of the island in the charge of Captain Nepean. He was strongly censured, for leaving his government and taking the Maoris back to New Zealand, by Lieutenant-Governor Grose, in a despatch dated 25th February, 1794 (*see* Series III, Norfolk Island Papers).

Note 268, page 496.

The mutinous detachment that was sent from the island.

A riot had occurred on the island between the military on the one side and the settlers and convicts on the other. Lieutenant-Governor King personally had attempted to quell it, and had ordered one of the soldiers to the guard-house under arrest. Without King's knowledge, a number of the soldiers had waited on Lieutenant Abbott, the officer commanding the detachment, and had demanded the release of the soldier confined. Abbott had promptly refused this request, and had ordered the soldiers to at once disperse. The soldiers had ignored this order, and thereby had become guilty of mutinous behaviour.

Note 269, page 498.

Having on board ——— cows; forty oxen for draught; ——— calves.

The number of cattle landed totalled one hundred and thirty-two; of these, sixty were for breeding, forty for draught, and thirty-two were calves. This importation was very successful, and only one cow was lost on the voyage; this was due to the method adopted. The cattle were confined in pens on each

side of the gun-deck, and a sufficient number was placed in each pen, in order that they might afford each other mutual support. They stood on mats, and were frequently cleaned, whilst the deck was kept well aired by wind-sails. Twenty men were detailed to look after the cattle alone, and some were constantly on duty, in order that when the ship tacked the cattle, which were to leeward, had their heads turned to windward.

Note 270, page 513.

Governor Hunter's Commission.

The Order-in-Council directing the preparation of this commission was dated 23rd January, 1794. The appointment was officially announced in the *London Gazette* of 5th February, 1794. With the exception of the first two clauses, which revoked Governor Phillip's commission (*see* pages 2-8), the remainder is a copy, almost *verbatim et litteratim*, of the commission revoked.

Note 271, page 520.

Governor Hunter's Instructions.

These instructions are dated 23rd June, 1794, whereas the commission is dated 6th February. Both documents were transmitted to Governor Hunter with a covering letter, dated 1st July, 1794. Governor Hunter did not sail from England, on board H.M.S. *Reliance*, until 25th February, 1795. There was, therefore, a delay of twelve months between the signing of the commission and Hunter's departure.

Note 272, page 523.

Our Commission bearing date the 23rd of January, 1794.

The commission was dated 6th February, 1794. It was the Order-in-Council, authorising the preparation of the commission, which was dated 23rd January, 1794. Neither Governor Hunter's nor Governor Phillip's commissions contained the power to emancipate convicts, referred to in this clause ten; but the power had been conferred on "the Governor or the Lieutenant-Governor for the time being," by Letters Patent, dated 8th November, 1790 (*see* pages 208-210).

Note 273, page 526.

In townships.

The word "township" had a specific meaning at the close of the eighteenth century. It consisted of an aggregation of settlers in a defined area, and usually contained one or more collections of houses, known as "towns." The area of a township was frequently as much as 20,000 or 30,000 acres, and is somewhat paralleled by the modern term "shire."

Note 274, pages 528-529.

Captain Paterson to the Right Hon. Henry Dundas.

Captain Paterson to the Lords Commissioners of the Treasury.

Captain Paterson to the Right Hon. Henry Dundas.

These three despatches bear dates subsequent to the assumption of the government by Captain Hunter, but they were written by Captain Paterson, as the retiring administrator, and refer to his government. They are therefore included in this series.

Note 275, page 530.

The Governor.

The announcement of the appointment of Captain Hunter as Governor was conveyed to the colony in the transport *Surprise*, which had arrived in Port Jackson on 25th October, 1794, prior to the departure of Lieutenant-Governor Grose.

Note 276, page 531.

Despatch marked Separate.

No acknowledgment of this letter has been found. Leave of absence had been granted to Captain Collins in a despatch of the Right Hon. Henry Dundas, dated 31st June, 1793 (*see* page 442), and his return to England was expected. No reply was probably considered necessary.

Note 277, page 537.

John Irvine.

John Irving, who had been emancipated by Governor Phillip, by warrant dated 16th December, 1791, and appointed assistant to the surgeons.

Note 278, page 539.

Acting Principal-Surgeon Balmain to Governor Hunter.

Balmain had considerable difficulties to contend with in the medical administration. Of the original staff, Surgeon White was on leave in England; the first assistant, Denis Considen, had returned to England; and the second assistant, Thomas Arndell, had retired. His staff consisted of Thomas Jamison, who had been appointed by Governor Phillip, in February, 1788, for the duties at Norfolk Island, James Thomson at Parramatta, and Leeds at Sydney. It is recorded that in one case of serious illness at the Hawkesbury, the surgeon at Parramatta had to walk there and back in a night in order to attend to his duties.

Note 279, page 541.

Copies of these enclosures have not yet been found.

The original returns were forwarded by Captain Paterson, as enclosures Nos. 1 and 7 (*see* pages 501-502 and 508) to the despatch, dated 15th June, 1795.

Note 280, page 541.

State of Settlements, 25th October, 1795.

This return does not include Norfolk Island.

Note 281, page 548.

The term of years . . . has been for some time concluded.

The method of keeping the convict indent papers was very indifferent, both in England and the colony. In the colony the papers were lodged in the charge of the Secretary to the Governor, who was assisted by a number of convicts, as clerks. These convict clerks commenced a system of trafficking in the registers, and, for consideration received, the term of the sentence was frequently shortened by them. In other cases, where the convict clerk

in charge had ill-feeling against another convict, the sentence was lengthened. Governor Hunter became aware of this, and in the year 1799 he issued a warrant of emancipation to one convict, because there had been palpable tampering with the indent papers, and his sentence had been altered to transportation for life. The confusion, that was the consequence, can be readily realised.

Note 282, page 553.

An estimate of the expences.

See the letter and its enclosure of the Reverend R. Johnson, dated 3rd September, 1793 (pages 451-453).

Note 283, page 555.

Term of transportation of those they bring out to this.

The convicts were transported from Ireland under a separate jurisdiction to those transported from England. The authority for transportation from England was given by an order of the King-in-Council; the Irish convicts were transported by authority from Dublin.

Note 284, page 556.

A daring and dangerous insurrection.

See the despatch and its enclosures of Governor Hunter to the Duke of Portland, dated 5th September, 1796 (pages 653-661).

Note 285, page 556.

The Patent seems to express as much.

The Letters Patent creating a Vice-Admiralty Court were dated 5th May, 1787 (see Series IV, vol. I). In this instrument it was enacted that the members of the court should consist of any seven, selected from nine men specified by name and the captains and commanders of H. M. ships, "who are or shall be within the Admiralty jurisdiction of the said territory, called New South Wales." Amongst the nine named persons were Captain Arthur Phillip and Captain John Hunter. By warrant dated 18th April, 1787, Major Robert Ross had been appointed Judge and President of the court. Ross was succeeded as Judge by Major Francis Grose, the Lieutenant-Governor. Governor Hunter therefore took exception to the fact, that if he had elected to sit as a member of the court, it would have been under the presidency of his junior in rank.

Note 286, pages 556, 560, 565, 566, 568, 569, and 570.

Per transport Marquis Cornwallis, viâ India.

No acknowledgment of these seven despatches to the Duke of Portland and one to Under Secretary King has yet been found. The previous despatches by the same route, dated in December, 1795, were acknowledged in January, 1797, and the despatch *viâ* China, dated in March, 1796, was acknowledged in March, 1797. The nine numbered despatches, dated in August and September, 1796, were acknowledged in August, 1797. That these despatches, dated in April and May, 1796, were received in England is proved by their preservation in London. The original of the despatch from England, dated 2nd March, 1797, was transmitted in the transport *Lady Shore*, which vessel was taken by mutineers, and the duplicate of it, together with the despatch dated 31st August, 1797, was transmitted by the next vessel to sail from England, the transport *Barwell*.

Note 287, page 556.

The quantity of wheat . . . may amount to from 35,000 to 40,000 bushels.

In the return (page 508) transmitted by Captain Paterson with his despatch, dated 15th June, 1795, the acreage under wheat was stated to be 2,721¼ acres. On this area, the harvest yielded an average of from 12 to 14½ bushels per acre.

Note 288, page 557.

A promise that Government would take it off their hands when gathered.

See the Government and General Order, dated 2nd October, 1795, page 678.

Note 289, page 560.

Also page 662.

It now becomes vacant.

This appointment had first been made by Lieutenant-Governor Grose, who had nominated Macarthur. Macarthur resigned on 24th February, 1796, and in a general order, dated 29th February (see page 689), Governor Hunter appointed Richard Atkins to fulfil the duties, until further orders. The statement of Hunter in a letter, dated 28th April, that the position "now becomes vacant" is therefore difficult to understand.

Note 290, pages 562 and 588.

Mr. D'Arcy Wentworth.

D'Arcy Wentworth had arrived in Port Jackson on board the transport *Neptune* on 28th June, 1790. Prior to leaving England, he had stood his trial for highway robbery at the Old Bailey sessions, on 9th December, 1789, but had been acquitted. At the conclusion of the trial, the prosecutor had addressed the Bench with the following words: "My Lord, Mr. Wentworth, the prisoner at the bar, says he has taken a passage to go in the fleet to Botany Bay, and has obtained an appointment in it, as assistant surgeon, and desires to be discharged immediately." After his arrival in the colony, he went to Norfolk Island, where he was at first employed as a superintendent of convicts, and subsequently as an assistant to the surgeon. He returned from the island on 5th March, 1796, on board H.M.S. *Reliance*. Whilst resident on the island, his celebrated son, William Charles Wentworth, was born.

Note 291, page 562.

Another person of the same name on the island, who is a superintendent.

John Jamieson, who had been sent from England to act as a superintendent of convicts. The surnames of the two men were spelt differently, the surgeon's name having no "e."

Note 292, page 567.

The want of a Justice of the Peace.

Justices of the Peace were appointed by the Governor under powers granted him by his commission. The first justices were appointed with jurisdictions in New South Wales or in Norfolk Island. As settlement extended, it became customary to appoint justices with jurisdiction only in

certain districts; thus, at later dates, appointments were made for Parramatta, Castlereagh and Evan, Bringelly, amongst others. This practice, however, had not been commenced at the date of Hunter's despatch.

Note 293, page 574.

The Savoy.

This was a prison in London, in which military offenders were confined.

Note 294, page 580.

30th of October and 8th of June last.

For the despatches referred to, see pages 545-547 and 571-573.

Note 295, page 585.

An officer who proceeds in the Britannia together with a surgeon.

Lieutenant Campbell and Mr. Phillips.

Note 296, page 588.

Mr. Geo. Barrington.

George Barrington, the famous pickpocket, had been tried and convicted of stealing a gold watch, chain, and seals, valued at £24, at the Old Bailey sessions on 15th and 17th September, 1790. He had been sentenced to transportation for the term of seven years. He had previously been tried and acquitted on similar charges; he was well known to the Judge at his last trial, who had stated that "if ever there was a man in the world that abused and prostituted great talents to the most unworthy and shameful purposes," Barrington was that man. He had arrived in Port Jackson by the transport *William and Ann*, on 28th August, 1791, and his notoriety had preceded him. Within a few weeks of his arrival, Governor Phillip had appointed him high-constable of the settlement at Rose Hill. His conduct in the colony was uniformly good, and Phillip had granted him a conditional pardon, dated 2nd November, 1792.

Note 297, page 588.

Mr. Hibbins.

Thomas Hibbins was appointed Deputy Judge-Advocate in Norfolk Island, by commission dated 12th July, 1794 (see Series III, Norfolk Island Papers). He arrived in Port Jackson on board the store-ship *Sovereign*, on 5th November, 1795. He was sworn as a Justice of the Peace for Norfolk Island on 15th January, and sailed for the island in H.M.S. *Reliance* on 21st January, 1796. He was accompanied by his wife and one child.

Note 298, page 590.

Sir Charles Middleton.

Sir Charles Middleton was Comptroller of the Navy when the first fleet sailed and for some years subsequent. At a later date he was Rear-Admiral of the White.

Note 299, page 591.

The number now necessary upon Norfolk Island embarrasses the duty to be done here.

By statute, 34 Geo. III, cap. xlv, the Criminal Court at Norfolk Island consisted of the Judge-Advocate and four officers of his Majesty's forces. This rendered it necessary that four officers should be resident on the island; and during the time of the relief of these four, eight officers were of necessity absent from headquarters at Port Jackson.

Note 300, page 591.

In a former letter.

See the despatch, dated 3rd March, 1796, page 554.

Note 301, page 593.

I have issued very strict orders.

See Government and General Orders, dated 22nd March, 1796 (page 690), 18th June (page 693), 11th July (page 694).

Note 302, page 593.

A certain number of licences.

The first licenses to retail spirits were granted in April, 1796. Their issue was placed under the control of the Bench of Magistrates. Ten licenses were at first granted under the hand of three magistrates for a period of twelve months. Each licensee was compelled to enter into a bond for £20, and to find two sureties of £10 each, that he would be of good behaviour and would fulfil the conditions during the currency of his license.

Note 303, page 593.

The working hours established by Government.

See Governor Hunter's orders, dated 9th October, 1795 (page 679), 17th November, 1795 (page 682), 21st July, 1796 (page 696).

Note 304, page 594.

The present too small and inconvenient for his business.

The Judge-Advocate's house was situated on the eastern side of the Tank Stream; it was little more than a hut, and its principal accommodation consisted of two rooms.

Note 305, page 595.

That already built having been given in lease to the officer who succeeded to the command of the military.

This house occupied the site on the western side of George-street at the western termination of Bridge-street. After the departure of Lieutenant-Governor Grose, it was occupied by Captain Paterson, who held possession until his own departure in 1810.

Note 306, page 595.

The present decaying fast.

This was the hospital, which had been erected by Phillip (*see* note 49). It included the frame building which had been brought in the second fleet. It was pulled down and re-erected on a stone foundation by Governor Hunter (*see* despatch dated 25th September, 1800); it continued to serve as the General Hospital at Sydney until after the arrival of Governor Macquarie.

Note 307, page 595.

A public school for the care and education of children much wanted to save them from certain ruin.

A school was conducted in the church erected by the Reverend R. Johnson, and was supervised by him. To assist Johnson, the Society for the Propagation of the Gospel had appointed two teachers, Wm. Richardson and Wm. Webster, at a salary of £10 per annum each, who had arrived in 1795. Webster was assisted by his wife, who, in fact, had the principal part in teaching, and after her death he was dismissed for drunkenness. The church school ceased in 1798, when the church was burnt down.

Note 308, page 596.

General State of the different Districts of the Settlement.

The general body of the settlers continued to be impoverished throughout Hunter's administration, chiefly owing to their own folly. Their position became critical at the end of the year 1799 (*see* Hunter's despatch to the Duke of Portland dated 1st February, 1800, vol. II.).

Note 309, page 599.

Shall be tried there, before any Court of competent jurisdiction, for the trial of the original offence.

Governor Hunter was in doubt as to the control he held over the Scottish martyrs. Their position differed from that of the other convicts, in the facts that their servitude was not assigned to the Governor, and that, if they escaped from the settlement to a foreign country, they could not be removed and brought back to the place of transportation. The Lord Advocate of Scotland, however, gave, as his opinion, "that Governor Hunter is not only authorised so to detain them, but that he is guilty of a breach of duty if he permits them to leave the settlement during the periods of their respective sentences." In the event of their escape to a British settlement, it was further the duty of all officers to arrest and return them to the settlement in New South Wales.

Note 310, page 599.

The amount of the various sums.

The expenditure incurred in the administration of the colony was greatly disapproved of by the Duke of Portland, and this letter anticipates the censure, which Hunter had yet to receive, and which was contained in the Duke of Portland's despatches, dated 8th June, 1796 (page 571), and 31st August, 1796 (page 649).

Note 311, page 601.

Mr. Thomas Smyth.

Thomas Smyth, or Smith, had arrived in the first fleet as a corporal in Captain-Lieutenant Tench's company of marines. On 17th August, 1792, he had been appointed storekeeper at Sydney. He held this post until he was appointed provost-marshal by Governor Hunter's warrant, dated 9th April, 1796.

Note 312, page 601.

Beach-master.

The duties of the beach-master were to supervise the landing of all boats, which was rendered dangerous owing to the constant surf breaking on the island. He acted as a pilot for the boats of any vessel lying in the offing at Sydney Bay.

Note 313, page 602.

A free settler was plaintiff and four persons of the military were defendants.

This case is of especial interest, as it is the first case in which the legal procedure of an appeal to the Governor, sitting in Court of Appeal, was invoked.

Note 314, page 648.

Secretary Nepean.

Evan Nepean had previously been Under Secretary in the Home Department. He succeeded Philip Stephens as Principal Secretary for Marine Affairs on 3rd March, 1795.

Note 315, page 652.

An American ship.

The ship *Grand Turk*. She arrived in Port Jackson on 23rd August, 1796, after a passage of five months from Boston.

Note 316, page 663.

His Majesty's ships.

The Reliance and Supply.

Note 317, page 664.

Some steps be taken to add some expence to all private litigation.

Until after the arrival of Judge-Advocate Dore, the successor to Captain Collins, on 18th May, 1798, all legal processes were available to any member of the community without fee or charge. This had the obvious disadvantage that litigation was entered into with little justification. When Dore introduced a system of charges, he was met with considerable opposition (*see* Hunter's despatch to the Duke of Portland dated 21st February, 1799, vol. II), and Hunter did not then approve of the charges.

Note 318, page 664.

The alterations which have taken place since the first establishment.

On an examination, it will be noticed that the return is very incomplete, and that about three-fourths of the alterations, exclusive of additions to the staff, have been omitted.

Note 319, page 667.

This slip of paper serv'd them as a sufficient authority to fix wherever they pleas'd.

The two officers referred to, Lieutenant-Governor Grose and Captain Paterson, were both lax in their land administration. Grose in two years granted 10,674 acres, and Paterson in nine months 4,965 acres. Both entirely ignored the instructions received to include a residential clause in the grants (*see* note 251), and these slips of paper, granting permission to settle, were issued to any one who had incurred favour amongst the military.

Note 320, page 668.

A most destructive traffic with spiritous liquors.

The traffic in spirits was commenced by the officials, chiefly the military, during the administrations of Grose and Paterson, and was destined to be the chief factor which swayed the undercurrent of public life for twenty-five years after the departure of Governor Phillip. Neither Grose nor Paterson made any attempt to check or control the trade, in which the profits were enormous. Under this *régime*, whenever a ship arrived in Port Jackson with spirits on board, officers, who were so inclined, used their influence to prevent their purchase by anyone but themselves. They, thereby, obtained a monopoly; and, as many of the settlers and convicts were eager purchasers, they retailed the spirits at a profit even as high as 500 per cent. on a turnover of a few weeks. Governor Hunter was the first to use his powers to check the trade, but without achieving the result desired. Prior to the date of this despatch, he had issued orders with reference to the traffic, dated 22nd March, 18th June, 11th July, 1796 (pages 690, 693, 694). The opposition, which he provoked in his attempts to regulate the trade, was one of the indirect causes which led to his removal from the government.

Note 321, page 670.

Some of whom . . . might be consider'd extremely well provided for.

The procedure detailed in the last portion of this paragraph suggests a possible motive, although a corrupt one, for Grose's and Paterson's neglect of instructions *re* the inclusion of a residential clause in the land grants (*see* note 251). After Phillip's departure, the Government became a close military corporation, in which certain members desired to acquire landed property, and the granting of land to men who would immediately sell it was an easy method of obtaining the end, if such an end was in view.

Note 322, page 671.

The civil magistrate was superceded . . . consequently to injustice.
See Introduction.

Note 323, page 672.

The same officer.

The man . . . to do that duty during the absence of the Judge-Advocate.

Lieutenant John Macarthur and Richard Atkins, Esq.

Note 324, page 673.

A very severe letter.

See the letter of Atkins to Macarthur, dated August, 1796, in Series II.

Note 325, page 674.

The above deposition.

This referred to a number of convicts who had been transported from Ireland in the transports *Boddingtons* and *Sugar Cane*, for offences committed under the Insurrection Act, which had been passed by the Irish

Parliament. After their arrival in the colony, they were in a constant state of unrest, holding secret meetings and forming secret leagues. The general order of 29th October, 1796 (page 700), refers to them.

Note 326, page 676.

A number for shocking murders and some for plundering the public provision stores.

After making due allowance for the progressive increase of population, it is possible to a certain degree to estimate the amount of crime from the number of Criminal Courts held each year, as these were summoned when occasion demanded. The courts held are as follows:—In 1788, 11; in 1789, 9; in 1790, 8; in 1791, 3; in 1792, 5; in 1793, 4; in 1794, 5; in 1795, 4; in 1796, 4; in 1797, 14.

Note 327, page 681.

William Smith and Abraham Whitehouse.

These prisoners were sentenced to death for house-breaking. Smith was executed on 16th November; Whitehouse, being regarded as the tool of Smith, was pardoned by the Governor.

Note 328, page 682.

Several hogs will admit.

By this general order, the system of pounds was first established, with the Provost-marshal as poundkeeper.

Note 329, page 686.

The store-ship.

The *Ceres*, which had arrived in Port Jackson on 23rd January, 1796.

Note 330, page 692.

The prisoner now under sentence of death.

This sentence was transmuted to transportation to Norfolk Island for seven years.

Note 331, page 703.

I heartily wish it were possible to knock it intirely up or establish some regulations for its limitations.

Hunter referred chiefly to the traffic in spirits (*see* note 320).

Note 332, page 705.

Your Grace's dispatches.

See the despatch dated 8th June, 1796, page 571.

Note 333, page 708.

The King's ships being at this time absent on service.

The *Reliance* and *Supply*, which had sailed for the Cape of Good Hope (*see* page 663).

SYNOPSIS OF DESPATCHES.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknow- ledgment.
Phillip, Governor	Nepean, Under Secretary	1788. 26 April	.....	Transport Alexander	16	.....	.....
Do	Sydney, Lord	15 May	No. 1 ..	do	16	Grenville, Rt. Hon. W. W.	1789 19 June.
Do	do	16 May	No. 2 ..	do	34	do	19 June.
Do	do	16 May	No. 3 ..	do	36	do	19 June.
Nepean, Under Secretary	Phillip, Governor	2 June	.....	Transport Lady Juliana	43	Phillip, Governor	1790. 14 June.
Phillip, Governor	Nepean, Under Secretary	5 July	.....	Transport Alexander	44	Nepean, Under Secretary	1789. 20 June.
Do	Sydney, Lord	9 July	No. 4 ..	do	45	Grenville, Rt. Hon. W. W.	19 June.
Do	Nepean, Under Secretary	9 July	Private	do	54	Nepean, Under Secretary	20 June.
Do	Stephens, Secretary	10 July	.....	do	60	.....	.....
Do	Sydney, Lord	10 July	No. 5 ..	do	64	Grenville, Rt. Hon. W. W.	19 June.
Do	Nepean, Under Secretary	10 July	.....	do	66	Nepean, Under Secretary	20 June.
Do	Sydney, Lord	10 July	Private	do	67	.....	.....
Do	do	— July	do	do	68	.....	.....
Do	Stephens, Secretary	12 July	.....	do	69	.....	.....
Do	Nepean, Under Secretary	12 July	.....	do	69	.....	.....
Do	Sydney, Lord	1 Sept.	No. 6 ..	H.M.S. Sirius	69	Grenville, Rt. Hon. W. W.	19 June.
Do	do	28 Sept.	No. 7 ..	do	70	do	19 June.
Do	Nepean, Under Secretary	28 Sept.	.....	do	85	Nepean, Under Secretary	20 June.
Do	Stephens, Secretary	28 Sept.	.....	do	89	.....	.....
Do	Sydney, Lord	27 Oct.	No. 9 ..	Store-ship Golden Grove	90	Grenville, Rt. Hon. W. W.	19 June
Do	Stephens, Secretary	27 Oct.	.....	do	94	.....	.....
Do	do	30 Oct.	No. 10 ..	do	95	Grenville, Rt. Hon. W. W.	19 June.
Do	do	16 Nov.	No. 11 ..	do	98	do	19 June.
Do	Stephens, Secretary	16 Nov.	.....	do	99	.....	.....
Do	Nepean, Under Secretary	16 Nov.	.....	do	101	Nepean, Under Secretary	20 June.
Do	do	17 Nov.	.....	do	104	.....	.....
Do	do	17 Nov.	.....	do	104	.....	.....
Do	do	1789.	.....	.....	105	Nepean, Under Secretary	1791. 12 Mar.
Do	do	20 Feb.	.....	.....	107	Phillip, Governor	1790. 14 June.
Nepean, Under Secretary	Phillip, Governor	3 June	.....	Transport Lady Juliana	107	Phillip, Governor	1791. 19 Feb.
Phillip, Governor	Sydney, Lord	5 June	.....	H.M.S. Supply	107	Grenville, Lord	.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment
Phillip, Governor	Stephens, Secretary	1789. 5 June	.....	.....	119	.....	..... 1790.
Grenville, Rt. Hon. W. W.	Phillip, Governor	5 June	No. 1	Transport Lady Juliana	119	Phillip, Governor	14 June.
Do	do	19 June	No. 2	do	120	do	17 June.
Do	do	19 June	.....	do	122	do	17 June.
Nepean, Under Secretary	do	20 June	.....	do	123	do	16 June.
Do	do	? June	.....	do	123	do	16 June.
Grenville, Rt. Hon. W. W.	do	22 Aug.	No. 3	Store-ship Guardian	124	do	17 June.
Do	do	22 Aug.	No. 4	do	128	do	17 June.
Do	do	24 Aug.	No. 5	do	129	do	20 June.
Do	do	Sept.— Dec.	.....	Transport Neptune	131	do	14 July.
Stephens, Secretary	do	28 Aug.	.....	Transport Juliana	131	do	17 July.
Grenville, Rt. Hon. W. W.	do	24 Dec.	No. 6	Transport Scarborough	131	do	14 July.
Commissioners of Navy	do	? Dec.	.....	.....	134	do	24 July.
Phillip, Governor	Sydney, Lord	1 Feb.	.....	H.M.S. Supply	134	Grenville, Lord	1791.
Do	do	12 Feb.	.....	do	140	do	19 Feb.
Do	Stephens, Secretary	12 Feb.	.....	.....	148	.....	19 Feb.
Do	Nepean, Under Secretary	12 Feb.	.....	H.M.S. Supply	148	Nepean, Under Secretary	12 Mar.
Do	Sydney, Lord	13 Feb.	.....	do	155	Grenville, Lord	19 Feb.
Do	Stephens, Secretary	13 Feb.	.....	.....	161	.....	.....
Grenville, Rt. Hon. W. W.	Phillip, Governor	1 Mar.	.....	H.M.S. Sup: N	161	.....	.....
Phillip, Governor	Stephens, Secretary	10 April	.....	.....	164	.....	.....
Do	do	11 April	.....	H.M.S. Supply	165	Grenville, Lord	19 Feb.
Do	Sydney, Lord	11 April	.....	do	165	.....	.....
Do	Stephens, Secretary	12 April	.....	do	168	.....	.....
Do	Nepean, Under Secretary	12 April	.....	do	169	Nepean, Under Secretary	12 Mar.
Do	do	13 April	.....	do	170	do	12 Mar.
Do	do	13 April	Private	do	169	do	12 Mar.
Do	Sydney, Lord	14 April	.....	do	170	.....	.....
Do	do	15 April	Private	do	171	Grenville, Lord	19 Feb.
Do	Nepean, Under Secretary	15 April	.....	do	171	Nepean, Under Secretary	12 Mar.
Do	do	15 April	Private	do	172	do	12 Mar.
Do	do	15 April	.....	do	172	do	12 Mar.
Do	do	16 April	.....	do	174	do	12 Mar.
Do	do	16 April	.....	.....	.....	.....	1792.
Do	Grenville, Rt. Hon. W. W.	14 June	No. 1	Store-ship Justinian	175	Dundas, Rt. Hon. Henry	10 Jan.
Do	do	14 June	No. 2	do	177	do	10 Jan.
Do	Nepean, Under Secretary	14 June	No. 1	do	177	King, Under Secretary	10 Jan.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknow- ledgment.
Philip, Governor	Nepean, Under Secretary	1790.	No. 2	Store-ship Justinian	177	Kings, Under Secretary	1792.
Do	do	16 June	No. 3	do	178	do	10 Jan.
Do	Grenville, Rt. Hon. W. W.	16 June	No. 3	do	179	do	10 Jan.
Do	do	17 June	No. 3	do	179	Dundas, Rt. Hon. Henry	10 Jan.
Do	do	20 June	No. 4	do	184	do	10 Jan.
Do	do	25 June	No. 5	do	186	do	10 Jan.
Do	do	2 July	No. 6	do	187	do	10 Jan.
Nepean, Under Secretary	Philip, Governor	3 July	No. 4	Store-ship Justinian	187	Nepean, Under Secretary	10 Jan.
Philip, Governor	Nepean, Under Secretary	10 July	No. 7	do	188	Dundas, Rt. Hon. Henry	10 Jan.
Do	Grenville, Rt. Hon. W. W.	13 July	No. 8	do	189	do	10 Jan.
Do	do	14 July	No. 9	do	191	do	10 Jan.
Do	do	14 July	No. 10	do	193	do	10 Jan.
Do	Stephens, Secretary	17 July	No. 10	do	200	do	10 Jan.
Do	Nepean, Under Secretary	17 July	No. 5	do	202	King, Under Secretary	10 Jan.
Do	Commissioners of the Navy	24 July	No. 5	do	203	do	10 Jan.
Do	do	29 July	No. 5	do	204	do	10 Jan.
Do	Nepean, Under Secretary	6 Aug.	No. 5	Transport Scarborough	204	King, Under Secretary	10 Jan.
Do	Commissioners of the Navy	6 Aug.	No. 5	do	204	do	10 Jan.
Do	Stephens, Secretary	20 Aug.	No. 5	Dutch snow Waaksamheid	205	Stephens, Secretary	20 July.
Do	Nepean, Under Secretary	22 Aug.	No. 5	Transport Neptune	205	King, Under Secretary	10 Jan.
Do	do	22 Aug.	Private	do	207	do	10 Jan.
Do	Commissioners of the Navy	22 Aug.	No. 5	do	207	do	10 Jan.
Do	Nepean, Under Secretary	23 Aug.	No. 5	Transport Neptune	207	King, Under Secretary	10 Jan.
Grenville, Rt. Hon. W. W.	Philip, Governor	13 Nov.	No. 7	H.M. ship Gorgon	208	Phillip, Governor	1791.
Do	do	15 Nov.	No. 8	do	211	do	5 Nov.
Do	do	16 Nov.	No. 9	Transport Albemarle	212	do	5 Nov.
Grenville, Lord	do	? Nov.	No. 9	do	214	do	5 Nov.
Commissioners of the Navy	do	? Nov.	No. 9	do	214	do	5 Nov.
Grenville, Lord	do	1791.	No. 10	Transport Mary Ann	214	Phillip, Governor	5 Nov.
Grenville, Lord	Phillip, Governor	19 Feb.	No. 10	Transport Albemarle	214	do	5 Nov.
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Do	do	21 Dec.	Separate	do	551	do	31 Jan.
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Do	do	1796.					
Do	do	3 Mar.	No. 8	Store-ship Ceres	553	do	2 Mar.
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